



SCHOOL LAWS

2006

FIFTY-EIGHTH
IDAHO LEGISLATURE
SECOND REGULAR SESSION

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Superintendent of Public Instruction

SCHOOL LAWS 2006

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IN THE SENATE

SENATE BILL NO. 1316

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE FOR QUALIFICATIONS FOR EDUCATIONAL INTERPRETERS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR CONTINUING TRAINING REQUIREMENTS, AND TO PROVIDE THE STATE BOARD OF EDUCATION WITH RULEMAKING AUTHORITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 13, Title 33, Idaho Code, and to read as follows:

CHAPTER 13

EDUCATIONAL INTERPRETERS

33-1301. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Educational Interpreter Act."

33-1302. LEGISLATIVE FINDINGS. The legislature hereby finds that interpreting services in Idaho public schools, kindergarten through grade twelve (12), for students who are deaf, hard of hearing or deaf-blind need to be improved. The absence of state standards for evaluating educational interpreters allows for inconsistencies in the delivery of educational information to students who are in need of such services. The legislature recognizes that educational interpreters in Idaho public schools must not only interpret the spoken word but must also convey concepts and facilitate the student's understanding of the educational material. The legislature also finds that among the many factors that influence student success, there is a correlation between the academic achievements of deaf, hard of hearing and deaf-blind students and the competency of their interpreters. Therefore, the legislature finds that Idaho educational public policy is served by establishing standards for persons employed in the Idaho public schools as educational interpreters.

33-1303. DEFINITIONS. The following words and phrases used in this chapter are defined as follows:

- (1) "Board" means the state board of education.
- (2) "Deaf" means a person who is not able to process information aurally and whose primary means of communication is visual.
- (3) "Deaf-blind" means a person who is deaf or hard of hearing and who also has significant visual impairment or is legally blind.
- (4) "Educational interpreter" means a person employed in the Idaho public schools, kindergarten through grade twelve (12), to provide interpreting services to students who are deaf, hard of hearing or deaf-blind.
- (5) "Educational interpreter performance assessment" means a

1 statistically valid and reliable assessment tool administered by the boys town
2 national research hospital or its successor organization.

3 (6) "Hard of hearing" means a person who has a hearing deficit, who is
4 able to process information aurally with or without the use of a hearing aid
5 or other device that enhances the ability of the person to hear, and whose
6 primary means of communication may be visual.

7 (7) "Interpreter education program" means a postsecondary degree program
8 of at least two (2) years in duration that is accredited by the state board of
9 education or an equivalent program accredited by another state, district or
10 territory or by a professional accreditation body.

11 (8) "Interpreting" means the process of providing accessible communica-
12 tion between and among persons who are deaf, hard of hearing or deaf-blind,
13 and those who are hearing. The process includes, but is not limited to, commu-
14 nication between American sign language or other form of manual communication
15 and English. The process may also involve various other modalities that
16 involve visual, gestural and tactile methods.

17 33-1304. QUALIFICATION OF EDUCATIONAL INTERPRETERS. (1) Except as pro-
18 vided in this section, no person shall act as an educational interpreter in an
19 Idaho public school unless the person has been qualified to do so. The person
20 shall be qualified if the person:

21 (a) Has achieved a score of 3.5 or higher on the educational interpreter
22 performance assessment or has achieved a comparable score on an equivalent
23 test as determined by the board; or

24 (b) Is currently certified by:

25 (i) The registry of interpreters for the deaf;

26 (ii) The national association of the deaf at a level of III or
27 higher;

28 (iii) The registry of interpreters for the deaf, oral transliteration
29 for oral transliterators; or

30 (iv) The testing, evaluation, and certification unit for cued lan-
31 guage transliterators.

32 (2) An educational interpreter currently employed in an Idaho public
33 school may continue in the practice of educational interpreting without meet-
34 ing the requirements of subsection (1) of this section, provided that such
35 requirements are met on or before June 30, 2009.

36 (3) Effective July 1, 2009, newly-hired educational interpreters, who
37 have not worked in an Idaho public school as an educational interpreter in
38 kindergarten through grade twelve (12) prior to the enactment of this chapter,
39 may apply in writing to the board for emergency authorization to work as an
40 educational interpreter for two (2) years before being required to meet the
41 requirements of subsection (1) of this section. An education interpreter who
42 has received an emergency authorization under this subsection (3) may apply in
43 writing to the board for a one-time, one (1) year extension of the emergency
44 authorization. The board may grant such a one (1) year extension of the emer-
45 gency authorization for good cause shown.

46 (4) A graduate of an interpreter education program may serve as an educa-
47 tional interpreter in Idaho public schools, kindergarten through grade twelve
48 (12) before meeting the requirements of subsection (1) of this section for one
49 (1) year following such graduation.

50 (5) Educational interpreters employed by an Idaho public school in kin-
51 dergarten through grade twelve (12) must complete a minimum of eighty (80)
52 hours of training in the areas of interpreting or transliterating every five
53 (5) years. This training must be documented and may include home study
54 coursework, seminars, workshops and mentoring programs.

1 (6) The board is authorized to promulgate rules necessary to implement
2 this chapter.

IN THE SENATE

SENATE BILL NO. 1379

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE SCHOOL LUNCH PROGRAM; AMENDING SECTION 33-1015, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT EMPLOYER PAID CONTRIBUTIONS TO THE IDAHO PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR SCHOOL LUNCH PERSONNEL BE PAID FROM FUNDS RECEIVED BY SCHOOL DISTRICTS FROM GENERAL ACCOUNT APPROPRIATIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1015, Idaho Code, be, and the same is hereby amended to read as follows:

33-1015. STATE REVENUE MATCHING UNDER THE NATIONAL SCHOOL LUNCH ACT. In school districts where personnel are employed to operate a school lunch program partially funded under provisions of the national school lunch act, all employer paid contributions to the social security administration and ~~Idaho's public-employee-retirement-system~~ for school lunch personnel shall be paid from funds received by school districts from the state general account appropriation for public school support.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature LEGISLATURE OF THE STATE OF IDAHO
Second Regular Session - 2006

IN THE SENATE

SENATE BILL NO. 1395, As Amended

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE EXPERIENCE FACTOR FOR PUBLIC SCHOOL TEACHERS; AMENDING SECTION 33-1004A, IDAHO CODE, TO PROVIDE THAT BEGINNING IN THE 2005-06 SCHOOL YEAR AND THEREAFTER ACTUAL YEARS OF TEACHING OR ADMINISTRATIVE SERVICE IN AN ACCREDITED COLLEGE OR UNIVERSITY SHALL COUNT IN DETERMINING THE EXPERIENCE FACTOR FOR PUBLIC SCHOOL TEACHERS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

EXPERIENCE AND EDUCATION

		MA	MA + 12	MA + 24	MA + 36			
Years	BA	BA + 12	BA + 24	BA + 36	BA + 48	BA + 60	ES/DR	
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710	
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220	
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980	
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990	
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260	

In determining the experience factor, the actual years of teaching or administrative service in an accredited public school, ~~or~~ in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited.

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Instructional staff whose initial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational spe-

1 cialist instructional staff after initial certification shall be credited
2 toward the education factor.

3 In determining the statewide average multiplier for instructional staff,
4 no multiplier in excess of 1.59092 shall be used. If the actual statewide
5 average multiplier for instructional staff, as determined by this section,
6 exceeds 1.59092, then each school district's instructional staff multiplier
7 shall be multiplied by the result of 1.59092 divided by the actual statewide
8 average multiplier for instructional staff.

9 In determining the statewide average multiplier for administrative staff,
10 no multiplier in excess of 1.86643 shall be used. If the actual statewide
11 average multiplier for administrative staff, as determined by this section,
12 exceeds 1.86643, then each school district's administrative staff multiplier
13 shall be multiplied by the result of 1.86643 divided by the actual statewide
14 average multiplier for administrative staff.

IN THE SENATE

SENATE BILL NO. 1427

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-3401, IDAHO CODE, TO ALLOW FOR EDUCATION SERVICES TO BE DELIVERED TO STUDENTS RESIDING OUTSIDE THE CAMPUS AREA IN GOODING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-3407, IDAHO CODE, TO REVISE THE DEFINITION OF ELIGIBLE STUDENTS, TO REVISE PROCEDURES FOR OFFERING THE SCHOOL'S SERVICES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-3401, Idaho Code, be, and the same is hereby amended to read as follows:

33-3401. ESTABLISHMENT OF SCHOOL FOR THE DEAF AND THE BLIND. The establishment by law of a school ~~for the~~ to provide supplemental education services to deaf and blind at Gooding, Idaho, students statewide is hereby ratified and affirmed. ~~said~~ These services may include residential and day campus programs and an outreach program, intended to provide services to students outside the campus area, as well as early intervention and family consultation. The school is to be called the Idaho School for the Deaf and the Blind, and its operation continued. It is further provided that wherever the term "State School for the Deaf and the Blind" shall appear in the Idaho Code it shall mean "Idaho School for the Deaf and the Blind."

SECTION 2. That Section 33-3407, Idaho Code, be, and the same is hereby amended to read as follows:

33-3407. DEFINITION OF THE DEAF AND THE BLIND -- EXAMINATION OF APPLICANTS -- ADMISSION AND RELEASE OF PUPILS. All children between the ages of six (6) and twenty-one (21) years ~~who are too deaf or too blind to be educated in the public schools~~ qualify to receive special education services pursuant to state or federal law as a result of a hearing or visual impairment, shall be deemed deaf or blind for the purposes of this chapter.

Children who are under the age of six (6) years, but otherwise qualified, may be ~~admitted~~ served, when, in the discretion of the superintendent but subject to the approval of the board of trustees, they are proper subjects to receive training and education ~~available in the school and the facilities of the school are adequate for proper care, training and education from the school, and the adequate facilities for proper education, training and/or care are available~~. When it has been ascertained by the superintendent that any pupil has ceased to make progress, or is no longer being benefited by ~~attending the school's services~~, upon recommendation of the superintendent and the approval of the board of trustees such pupil may be released from the school and/or school services may be discontinued.

The board of trustees is authorized to provide for the careful examination of all applicants for admission to the school, and the expense of such exami-

1 nation is a lawful use of the moneys available to the board of trustees.

IN THE SENATE

SENATE BILL NO. 1428

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ISSUANCE OF A LICENSE TO CARRY CONCEALED WEAPONS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 18-3302, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302. ISSUANCE OF LICENSES TO CARRY CONCEALED WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, shall, within ninety (90) days after the filing of an application by any person who is not disqualified from possessing or receiving a firearm under state or federal law, issue a license to the person to carry a weapon concealed on his person within this state. For licenses issued before July 1, 2006, a license shall be valid for four (4) years from the date of issue. For licenses issued on or after July 1, 2006, a license shall be valid for five (5) years from the date of issue. The citizen's constitutional right to bear arms shall not be denied to him, unless he:

- (a) Is ineligible to own, possess or receive a firearm under the provisions of state or federal law; or
- (b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year; or
- (c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year; or
- (d) Is a fugitive from justice; or
- (e) Is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance as defined in 21 U.S.C. 802; or
- (f) Is currently suffering or has been adjudicated as follows, based on substantial evidence:
 - (i) Lacking mental capacity as defined in section 18-210, Idaho Code; or
 - (ii) Mentally ill as defined in section 66-317, Idaho Code; or
 - (iii) Gravely disabled as defined in section 66-317, Idaho Code; or
 - (iv) An incapacitated person as defined in section 15-5-101(a), Idaho Code; or
- (g) Is or has been discharged from the armed forces under dishonorable conditions; or
- (h) Is or has been adjudicated guilty of or received a withheld judgment or suspended sentence for one (1) or more crimes of violence constituting a misdemeanor, unless three (3) years has elapsed since disposition or pardon has occurred prior to the date on which the application is submitted; or
- (i) Has had entry of a withheld judgment for a criminal offense which

1 would disqualify him from obtaining a concealed weapon license; or
 2 (j) Is an alien illegally in the United States; or
 3 (k) Is a person who having been a citizen of the United States, has
 4 renounced his or her citizenship; or
 5 (l) Is under twenty-one (21) years of age; or
 6 (m) Is free on bond or personal recognizance pending trial, appeal or
 7 sentencing for a crime which would disqualify him from obtaining a con-
 8 cealed weapon license; or
 9 (n) Is subject to a protection order issued under chapter 63, title 39,
 10 Idaho Code, that restrains the person from harassing, stalking or threat-
 11 ening an intimate partner of the person or child of the intimate partner
 12 or person, or engaging in other conduct that would place an intimate part-
 13 ner in reasonable fear of bodily injury to the partner or child.

14 The license application shall be in triplicate, in a form to be pre-
 15 scribed by the director of the Idaho state police, and shall ask the name,
 16 address, description and signature of the licensee, date of birth, social
 17 security number, military status, and the driver's license number or state
 18 identification card number of the licensee if used for identification in
 19 applying for the license. The application shall indicate that provision of
 20 the social security number is optional. The license application shall con-
 21 tain a warning substantially as follows:

22 CAUTION: Federal law and state law on the possession of weapons and fire-
 23 arms differ. If you are prohibited by federal law from possessing a weapon
 24 or a firearm, you may be prosecuted in federal court. A state permit is
 25 not a defense to a federal prosecution.

26 The sheriff shall require any person who is applying for original
 27 issuance of a license to submit his fingerprints in addition to the other
 28 information required in this subsection. Within five (5) days after the
 29 filing of an application, the sheriff shall forward the application and
 30 fingerprints to the Idaho state police for a records check of state and
 31 national files. The Idaho state police shall conduct a national
 32 fingerprint-based records check and return the results to the sheriff
 33 within seventy-five (75) days. The sheriff shall not issue a license
 34 before receiving the results of the records check and must deny a license
 35 if the applicant is disqualified under any of the criteria listed in para-
 36 graphs (a) through (n) of subsection (1) of this section.

37 The license will be in a form substantially similar to that of the
 38 Idaho driver's license. It will bear the signature, name, address, date of
 39 birth, picture of the licensee, expiration date and the driver's license
 40 number or state identification card number of the licensee if used for
 41 identification in applying for the license. Upon issuing a license under
 42 the provisions of this section, the sheriff will notify the Idaho state
 43 police on a form or in a manner prescribed by the state police. Informa-
 44 tion relating to an applicant or licensee received or maintained pursuant
 45 to this section by the sheriff or Idaho state police is confidential and
 46 exempt from disclosure under section 9-338, Idaho Code.

47 (2) The fee for original issuance of a ~~four-(4)-year~~ license shall be
 48 twenty dollars (\$20.00) paid to the sheriff for the purpose of enforcing the
 49 provisions of this chapter. The sheriff may collect any additional fees neces-
 50 sary to cover the cost of processing fingerprints lawfully required by any
 51 state or federal agency or department, and the cost of materials for the
 52 license lawfully required by any state agency or department, which costs shall
 53 be paid to the state.

54 (3) The fee for renewal of the license shall be ~~twelve~~ fifteen dollars
 55 (\$125.00). The sheriff may collect any additional fees necessary to cover the

1 processing costs lawfully required by any state or federal agency or depart-
 2 ment, and the cost of materials for the license lawfully required by any state
 3 agency or department, which costs shall be paid to the state. If a licensee
 4 applying for renewal has not previously been required to submit fingerprints,
 5 the sheriff shall require the licensee to do so and may collect any additional
 6 fees necessary to cover the cost of processing fingerprints lawfully required
 7 by any state or federal agency or department.

8 (4) ~~A licensee may renew a~~ Every license ~~if the licensee applies for~~
 9 ~~renewal at any time before or within ninety (90) days after the expiration~~
 10 ~~date of the license~~ that is not, as provided by law, suspended, revoked or
 11 disqualified in this state shall be renewable at any time during the ninety
 12 (90) day period before its expiration or within ninety (90) days after the
 13 expiration date. Renewal notices shall be mailed out ninety (90) days prior to
 14 the expiration date of the license. The sheriff shall require the licensee
 15 applying for renewal to complete an application. The sheriff shall submit the
 16 application to the Idaho state police for a records check of state and
 17 national databases. The Idaho state police shall conduct the records check and
 18 return the results to the sheriff within thirty (30) days. The sheriff shall
 19 not issue a renewal before receiving the results of the records check and must
 20 deny a license if the applicant is disqualified under any of the criteria
 21 listed in subsection (1), paragraphs (a) through (n) of this section. A
 22 renewal license shall be valid for a period of ~~four~~ five (45) years. A license
 23 so renewed shall take effect on the expiration date of the prior license. A
 24 licensee renewing ninety-one (91) days or more after the expiration date of
 25 the license shall pay a late renewal penalty of ten dollars (\$10.00) in addi-
 26 tion to the renewal fee. The fee shall be paid to the sheriff for the purpose
 27 of enforcing the provisions of this chapter.

28 (5) Notwithstanding the requirements of this section, the sheriff of the
 29 county of the applicant's residence may issue a temporary emergency license
 30 for good cause pending review under subsection (1) of this section.

31 (6) A city, county or other political subdivision of this state shall not
 32 modify the requirements of this section, nor may a political subdivision ask
 33 the applicant to voluntarily submit any information not required in this sec-
 34 tion. A civil action may be brought to enjoin a wrongful refusal to issue a
 35 license or a wrongful modification of the requirements of this section. The
 36 civil action may be brought in the county in which the application was made or
 37 in Ada county at the discretion of the petitioner. Any person who prevails
 38 against a public agency in any action in the courts for a violation of subsec-
 39 tions (1) through (5) of this section, shall be awarded costs, including rea-
 40 sonable attorney's fees incurred in connection with the legal action.

41 (7) Except in the person's place of abode or fixed place of business, or
 42 on property in which the person has any ownership or leasehold interest, a
 43 person shall not carry a concealed weapon without a license to carry a con-
 44 cealed weapon. For the purposes of this section, a concealed weapon means any
 45 dirk, dirk knife, bowie knife, dagger, pistol, revolver, or any other deadly
 46 or dangerous weapon. The provisions of this section shall not apply to any
 47 lawfully possessed shotgun or rifle.

48 (8) A county sheriff, deputy sheriff, or county employee who issues a
 49 license to carry a concealed weapon under this section shall not incur any
 50 civil or criminal liability as the result of the performance of his duties
 51 under this section.

52 (9) While in any motor vehicle, inside the limits or confines of any
 53 city, ~~or inside any mining, lumbering, logging or railroad camp~~ a person shall
 54 not carry a concealed weapon on or about his person without a license to carry
 55 a concealed weapon. This shall not apply to any ~~pistol or revolver~~ firearm

located in plain view whether it is loaded or unloaded. A firearm may be concealed legally in a motor vehicle so long as the weapon is disassembled or unloaded.

(10) In implementing the provisions of this section on behalf of the state of Idaho, the sheriff shall make applications readily available at the office of the sheriff or at other public offices in his jurisdiction.

(11) The sheriff of a county may issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who in the judgment of the sheriff warrants the issuance of the license to carry a concealed weapon. Such issuance shall be subject to limitations which the issuing authority deems appropriate. Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years shall be easily distinguishable from regular licenses.

(12) The requirement to secure a license to carry a concealed weapon under this section shall not apply to the following persons:

(a) Officials of a county, city, state of Idaho, the United States, peace officers, guards of any jail, court appointed attendants or any officer of any express company on duty;

(b) Employees of the adjutant general and military division of the state where military membership is a condition of employment when on duty;

(c) Criminal investigators of the attorney general's office, criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;

(d) Any person outside the limits of or confines of any city, ~~or outside any mining, lumbering, logging or railroad camp, located outside any city,~~ while engaged in lawful hunting, fishing, trapping or other lawful outdoor activity;

(e) Any publicly elected Idaho official;

(f) Retired peace officers with at least ten (10) years of service with the state or a political subdivision as a peace officer and who have been certified by the peace officer standards and training council;

(g) Any person who has a valid permit from a state or local law enforcement agency or court authorizing him to carry a concealed weapon. A permit issued in another state will only be considered valid if the permit is in the licensee's physical possession.

(13) When issuing a license pursuant to this section, the sheriff may require the applicant to demonstrate familiarity with a firearm by and shall accept any of the following, provided the applicant may select which one:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state; or

(b) Completion of any national rifle association firearms safety or training course, or any national rifle association hunter education course; or

(c) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university, or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police; or

(d) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement agency; or

(e) Presents evidence or equivalent experience with a firearm through participation in organized shooting competition or military service; or

1 (f) Is licensed or has been licensed to carry a firearm in this state or
2 a county or municipality, unless the license has been revoked for cause;
3 or

4 (g) Completion of any firearms training or training or safety course or
5 class conducted by a state certified or national rifle association certi-
6 fied firearms instructor.

7 (14) A person carrying a concealed weapon in violation of the provisions
8 of this section shall be guilty of a misdemeanor.

9 (15) The sheriff of the county where the license was issued or the sheriff
10 of the county where the person resides shall have the power to revoke a
11 license subsequent to a hearing in accordance with the provisions of chapter
12 52, title 67, Idaho Code, for any of the following reasons:

13 (a) Fraud or intentional misrepresentation in the obtaining of a license;
14 or

15 (b) Misuse of a license, including lending or giving a license to another
16 person, or duplicating a license, or using a license with the intent to
17 unlawfully cause harm to a person or property; or

18 (c) The doing of an act or existence of a condition which would have been
19 grounds for the denial of the license by the sheriff; or

20 (d) The violation of any of the terms of this section; or

21 (e) The applicant is adjudicated guilty of or receives a withheld judg-
22 ment for a crime which would have disqualified him from initially receiv-
23 ing a license.

24 (16) A person twenty-one (21) years of age or older issued a license to
25 carry a concealed weapon ~~or a license renewal on or after July 1, 1995,~~ is
26 exempt from any requirement to undergo a records check at the time of purchase
27 or transfer of a firearm from a federally licensed firearms dealer. However, a
28 temporary emergency license issued under subsection (5) of this section shall
29 not exempt the holder of the license from any records check requirement. Tem-
30 porary emergency licenses shall be easily distinguishable from regular
31 licenses.

32 (17) The attorney general is authorized to negotiate reciprocal agreements
33 with other states related to the recognition of licenses to carry concealed
34 weapons. The Idaho state police shall keep a copy and maintain a record of all
35 such agreements, which shall be made available to the public.

36 (18) The provisions of this section are hereby declared to be severable
37 and if any provision of this section or the application of such provision to
38 any person or circumstance is declared invalid for any reason, such declara-
39 tion shall not affect the validity of remaining portions of this section.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature

LEGISLATURE OF THE STATE OF IDAHO

Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 624, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL PROPERTY; AMENDING SECTION 33-601, IDAHO CODE, TO PROVIDE THAT SCHOOL PROPERTY WITH AN ESTIMATED VALUE OF LESS THAN FIVE HUNDRED DOLLARS MAY BE DISPOSED OF BY AN EMPLOYEE OF THE DISTRICT EMPOWERED BY THE BOARD TO DISPOSE OF SUCH PROPERTIES PROVIDED THE BOARD HAS BEEN NOTIFIED PRIOR TO DISPOSAL OF SAID PROPERTY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-601, Idaho Code, be, and the same is hereby amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF SAME. The board of trustees of each school district shall have the following powers and duties:

1. To rent to or from others, school buildings or other property used, or to be used, for school purposes.

2. To contract for the construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary for the operation of the school district.

Except for the purchase of curricular materials as defined in section 33-118A, Idaho Code, such contract shall be executed in accordance with the provisions of chapter 28, title 67, Idaho Code.

3. To designate and purchase any real property necessary for school purposes or in the operation of the district, or remove any building, or dispose of any real property. Prior to, but not more than one (1) year prior to, any purchase or disposal of real property, the board shall have such property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value of the real property. The board of trustees shall determine the size of the site necessary for school purposes. The site shall be located within the incorporated limits of any city within the district; provided, however, that if the board finds that it is not in the best interests of the electors and the students of the district to locate the site within the incorporated limits of a city, the board, by duly adopted resolution setting forth the reasons for its finding, may designate a site located elsewhere within the district. In elementary school districts, except upon removal for highway purposes, a site may be designated or changed only after approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

4. (a) To convey, except as provided by paragraph (b) of this subsection, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection 6. of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised pursuant to this section, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest bidder. Such property may be sold for cash or for such terms and conditions as the board of trustees shall determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent (7%) per annum. The title to all property sold on contract shall be retained in the name of the school district until full payment has been made by the purchaser, and title to all property sold under a note and mortgage or deed of trust shall be transferred to the purchaser at the point of sale under the terms and conditions of the mortgage or deed of trust as the board of trustees shall determine. Notice of the time and the conditions of such sale shall be published twice, and proof thereof made, in accordance with subsections g. and h. of section 33-402, Idaho Code, except that when the appraised value of the property is less than one thousand dollars (\$1,000), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids or at public auction.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids. If the real property was donated to the school district the board may, within a period of one (1) year from the time of the appraisal, sell the property without additional advertising or bidding. Otherwise, the board of trustees must have new appraisals made and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property. In no case shall any real property of the school district be sold for less than its appraisal.

The board of trustees may sell personal property, with an estimated value of less than one thousand dollars (\$1,000), without appraisal, by sealed bid or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property. ~~If the board, by a unanimous vote of those members present, finds that the property has an estimated value of less than five hundred dollars (\$500), and is of insufficient value to defray the costs of arranging a sale,~~ the property may be disposed of in the most cost-effective and expedient manner by an employee of the district empowered for that purpose by the board, **provided however, such employee shall notify the board prior to disposal of said property.**

(b) Real and personal property may be exchanged hereunder for other property. Provided, however, that aside from the provisions of this paragraph, any school district may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees, by resolution duly adopted, authorize the transfer or conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any other school district, any library district, any community college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the board of trustees it is for the interest of such school district that said transfer or conveyance be made. Prior to any transfer or conveyance of any real or personal property pursuant to this paragraph 4.(b), the board shall have the property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value

1 of the real or personal property.

2 5. To enter into contracts with any city located within the boundaries of
3 the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the
4 city.
5

6 6. To convey rights-of-way and easements for highway, public utility, and
7 other purposes over, upon or across any school property and, when necessary to
8 the use of such property for any such purpose, to authorize the removal of
9 school buildings to such new location, or locations, as shall be determined by
10 the board of trustees, and such removal shall be made at no cost or expense to
11 the school district.
12

13 7. To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of
14 charges, if any, to be made for such use.
15

16 8. To exercise the right of eminent domain under the provisions of chapter
17 7, title 7, Idaho Code, for any of the uses and purposes provided in section
18 7-701, Idaho Code.

19 9. If there is a great public calamity, such as an extraordinary fire,
20 flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do
21 emergency work to safeguard life, health or property, the board of trustees
22 may pass a resolution declaring that the public interest and necessity demand
23 the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the board may expend any sum required
24 in the emergency without compliance with this section.
25
26

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature

LEGISLATURE OF THE STATE OF IDAHO

Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 630, As Amended

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO THREATS OF VIOLENCE; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302I, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO WILLFULLY THREATENS TO COMMIT AN ACT OF VIOLENCE ON SCHOOL GROUNDS BY USE OF A FIREARM OR OTHER DEADLY OR DANGEROUS WEAPON IS GUILTY OF A MISDEMEANOR AND TO DEFINE TERMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 18-3302I, Idaho Code, and to read as follows:

18-3302I. THREATENING VIOLENCE ON SCHOOL GROUNDS.

(1) (a) Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor.

(b) The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "Firearm" means any weapon, whether loaded or unloaded, from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, regardless of whether such weapon is operable;

(c) "On school grounds" means in, or on the property of, a public or private elementary or secondary school.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature LEGISLATURE OF THE STATE OF IDAHO
Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 671, As Amended in the Senate

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO SCHOOL DISTRICT ELECTIONS; AMENDING SECTION 33-403C, IDAHO CODE, TO ALLOW EACH CANDIDATE TO AUTHORIZE A WATCHER TO OBSERVE THE COUNTING OF VOTES, TO PERMIT CHALLENGERS AND WATCHERS TO WORK IN SHIFTS, TO PROVIDE FOR WATCHERS AT SCHOOL DISTRICT ELECTIONS WHICH ARE OTHER THAN FOR THE ELECTION OF OFFICERS, TO REMOVE THE REQUIREMENT THAT SUCH WATCHERS NOT ABSENT THEMSELVES UNTIL THE POLLS CLOSE, TO PROVIDE THAT CHALLENGERS OR WATCHERS SHALL NOT BE A CANDIDATE AT THE ELECTION WHERE THEY ARE SERVING AS A CHALLENGER OR WATCHER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-406, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT AN ELECTOR BE ABSENT FROM THE DISTRICT OR UNABLE BECAUSE OF PHYSICAL DISABILITY OR BLINDNESS TO VOTE BY ABSENTEE BALLOT AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-403C, Idaho Code, be, and the same is hereby amended to read as follows:

33-403C. CHALLENGERS -- WATCHERS. ~~a-(1)~~ The school district clerk shall, upon receipt of a written request to be received no later than five (5) days prior to the day of election, direct that the election judges permit one (1) person authorized by each candidate to be at the polling place for the purpose of challenging voters, and shall if requested, permit one (1) person authorized by any candidate to be present to watch the receiving and counting of votes serve as a watcher to observe the counting of votes. Challengers or watchers may work in various shifts throughout the day. However, each candidate may have only one (1) challenger and only one (1) watcher at the polling place at any given time.

~~b-(2)~~ Where the issue before the electors of a school district is other than the election of officers, the clerk of the school district shall upon receipt of a written request, such request to be received no later than five (5) days prior to the date of voting on the issue or issues, direct that the election judges permit one (1) pro and one (1) con person to be at the polling place for the purpose of challenging voters and to ~~watch the receiving and counting of votes~~ serve as a watcher to observe the counting of votes. Such authorization shall be evidenced in writing signed by the requesting person and shall state which position relative to the issue or issues the person represents. Challengers or watchers may work in various shifts throughout the day. Persons who are authorized to serve as challengers or watchers shall wear a visible name tag which includes their respective titles. ~~Persons permitted to be present to watch the counting of votes shall not absent themselves until the polls are closed.~~ Challengers or watchers shall not be a candidate at the election where they are serving as a challenger or watcher.

SECTION 2. That Section 33-406, Idaho Code, be, and the same is hereby

amended to read as follows:

33-406. ABSENTEE VOTING. For the purposes of this section the term "clerk" shall mean the clerk of the board of county commissioners whenever an election involves changing the boundaries of school districts, or the creation of new school districts by consolidation of districts or division of a district. In all other school elections the term "clerk" shall mean the clerk of the board of trustees of the school district.

In any school election, a qualified school elector ~~who expects to be absent from the district on the day of the election, or who will be unable, because of physical disability or blindness, to go to the polling place,~~ may vote in such election by absentee ballot in the manner herein provided.

Any such elector may make written application to the clerk for a ballot or ballots of the kind or kinds to be voted on at such election, which application shall contain the name of the elector, the trustee zone of the district in which he resides, and his present address. The application for an absent elector's ballot shall be filed with the clerk not later than 5:00 p.m. of the day before the election.

The clerk receiving such application shall, not more than twenty-eight (28) days prior to the day of the election, deliver to said applicant elector personally or by mail to the mailing address given in the application, postage prepaid, a ballot or ballots, one (1) of each kind thereof, to be voted on in the election, and a form of oath of qualification.

The elector shall vote in secret and shall enclose his ballot or ballots in an envelope to be supplied by the clerk and seal the same. The elector shall then place the secrecy envelope in a return envelope, together with the form of oath of qualification executed by him, and address and mail, or deliver, the same to the clerk. The absentee ballot must be received by the clerk, not later than 8:00 p.m. on the day of the election, before such ballot may be counted.

Any elector physically unable to mark his own ballot may receive assistance in marking his ballot from the officer delivering same or an available person of his own choosing. In the event the officer is requested to render assistance in marking an absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the applicant's ballot accordingly. No election officer or any other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

The written applications shall be kept by the clerk as a part of the records of the election and he shall, on the day of the election and before the polling places are closed, deliver to the proper board of election all such envelopes together with a list, compiled and signed by him, of the electors making application to vote in absentia.

The board of election shall verify all return envelopes delivered to it by the clerk against the names appearing on the said list, open the return envelopes and examine the elector's oath. If these are found to be in order, the ballots shall remain in the secrecy envelopes and be placed in the ballot box in the same manner as though the elector were personally present and voting; and the voter's name shall thereupon be subscribed in any polling book or other record kept at such election.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature LEGISLATURE OF THE STATE OF IDAHO Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 705, As Amended

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317, IDAHO CODE, TO PROVIDE THAT A COOPERATIVE SERVICE AGENCY MAY REQUEST ITS MEMBER SCHOOL DISTRICTS TO AUTHORIZE A LEVY NOT TO EXCEED ONE-TENTH OF ONE PERCENT FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING COOPERATIVE SERVICE AGENCY FACILITIES, TO PROVIDE FOR CONTINUATION OF THE LEVY FOR ADDITIONAL TEN-YEAR PERIODS UPON APPROVAL OF DISTRICT ELECTORS, TO PROVIDE FOR ADMINISTRATION AND ACCOUNTING OF MONEYS RECEIVED AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-317, Idaho Code, be, and the same is hereby amended to read as follows:

33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITATIONS.
(1) Two (2) or more school districts may join together for educational purposes to form a service agency to purchase materials and/or provide services for use individually or in combination. The cooperative service agency thus formed shall be empowered to adopt ~~by laws~~ bylaws, and act as a body corporate and politic with such powers as are assigned through its ~~by laws~~ bylaws but limited to the powers and duties of local school districts. In its corporate capacity, this agency may sue and be sued and may acquire, hold and convey real and personal property necessary to its existence. The employees of the service agency shall be extended the same general rights, privileges and responsibilities as comparable employees of a school district.

(2) A properly constituted cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy must be authorized by an election held in each of the school districts pursuant to chapter 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such election. Moneys received by the member school districts from this source shall be transferred to the cooperative service agency upon receipt of billing from the agency. Excess revenue over billing must be kept in a designated account by the district, with accrued interest, and may only be spent as budgeted by the agency.

(3) For the purpose of constructing and maintaining facilities of a cooperative service agency, in addition to the levy authorized in subsection (2) of this section, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years. Such levy must be authorized by an election held in each of the school districts pursuant to chapter 4, title 33, Idaho Code, and approved by sixty-six and two-thirds percent (66 2/3%) of the district electors voting in such election. Electors of the districts may approve continuation of such

1 levy for an additional ten (10) years at an election held for that purpose.
2 There is no limit on the number of elections which may be held for the purpose
3 of continuing the levy authorized under this subsection (3) for an additional
4 ten (10) years. The administration and accounting of moneys received by impo-
5 sition of the levy shall be the same as provided in subsection (2) of this
6 section.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature

LEGISLATURE OF THE STATE OF IDAHO

Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 713, As Amended, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO ADULT CRIMINAL SEX OFFENDERS; AMENDING CHAPTER 83, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8329, IDAHO CODE, TO PROHIBIT ACCESS TO SCHOOL CHILDREN BY ANY PERSON CURRENTLY REGISTERED OR REQUIRED TO REGISTER UNDER THE IDAHO SEX OFFENDER REGISTRATION ACT, TO PROVIDE EXCEPTIONS, TO PROVIDE A PENALTY AND TO ALLOW MORE STRINGENT SAFETY AND SECURITY REQUIREMENTS BY SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 83, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-8329, Idaho Code, and to read as follows:

18-8329. ADULT CRIMINAL SEX OFFENDERS -- PROHIBITED ACCESS TO SCHOOL CHILDREN -- EXCEPTIONS. (1) If a person is currently registered or is required to register under the sex offender registration act as provided in chapter 83, title 18, Idaho Code, it is a misdemeanor for such person to:

(a) Be upon or to remain on the premises of any school building or school grounds in this state when the person has reason to believe children under the age of eighteen (18) years are present.

(b) Knowingly loiter on a public way within five hundred (500) feet of a school building or school grounds in this state when children under the age of eighteen (18) years are present.

(c) Be in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when children under the age of eighteen (18) years are present in the conveyance.

(d) Reside within five hundred (500) feet of the property on which a school is located, provided however, that this paragraph (d) shall not apply if such person's residence was established prior to July 1, 2006.

(2) The provisions of subsections (1)(a) and (1)(b) of this section shall not apply when the person:

(a) Is a student in attendance at the school; or

(b) Is attending an academic conference or other scheduled school event with school officials as a parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event; or

(c) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(d) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or

(e) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities and/or on district properties.

1 SECTION 2. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after its
3 passage and approval.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 718

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-338, IDAHO CODE, TO PROVIDE A LIMITATION ON A FEE THAT MAY BE CHARGED, TO PROVIDE THAT STATISTICAL INFORMATION DESCRIPTIVE OF AN IDENTIFIABLE PERSON MAY BE DISCLOSED UNLESS PROHIBITED BY LAW, TO AUTHORIZE A PUBLIC AGENCY OR INDEPENDENT PUBLIC BODY CORPORATE AND POLITIC TO PROVIDE A COPY OF A PUBLIC RECORD IN ELECTRONIC FORM IF THE RECORD IS AVAILABLE IN ELECTRONIC FORM AND AN ELECTRONIC COPY IS SPECIFICALLY REQUESTED, TO PROVIDE THAT A REQUEST FOR AND DELIVERY OF A PUBLIC RECORD MAY BE CONDUCTED BY ELECTRONIC MAIL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 9-339, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE REQUIREMENT TO PROVIDE A PUBLIC RECORD WITHIN A SPECIFIED TIME; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 9-338, Idaho Code, be, and the same is hereby amended to read as follows:

9-338. PUBLIC RECORDS -- RIGHT TO EXAMINE. (1) Every person has a right to examine and take a copy of any public record of this state and there is a presumption that all public records in Idaho are open at all reasonable times for inspection except as otherwise expressly provided by statute.

(2) The right to copy public records shall include the right to make photographs or photographic or other copies while the records are in the possession of the custodian of the records using equipment provided by the public agency or independent public body corporate and politic or using equipment designated by the custodian.

(3) Additionally, the custodian of any public record shall give the person, on demand, a certified copy of it if the record is of a nature permitting such copying or shall furnish reasonable opportunity to inspect or copy such record.

(4) The custodian shall make no inquiry of any person who applies for a public record, except to verify the identity of a person requesting a record in accordance with section 9-342, Idaho Code, to ensure that the requested record or information will not be used for purposes of a mailing or telephone list prohibited by section 9-348, Idaho Code, or as otherwise provided by law, and except as required for purposes of protecting personal information from disclosure under chapter 2, title 49, Idaho Code, and federal law. The person may be required to make a written request and provide their name, a mailing address and telephone number. ~~and except as required for purposes of protecting personal information from disclosure under chapter 2, title 49, Idaho Code, and federal law~~

(5) The custodian shall not review, examine or scrutinize any copy, photograph or memoranda in the possession of any such person and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted under this act.

(6) Nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any public record while it is being examined.

(7) Examination of public records under the authority of this section must be conducted during regular office or working hours unless the custodian shall authorize examination of records in other than regular office or working hours. In this event, the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public agency or independent public body corporate and politic having custody of such records, out of funds provided in advance by the person examining such records, at other than regular office or working hours.

(8) (a) A public agency or independent public body corporate and politic or public official may establish a copying fee schedule. The fee may not exceed the actual cost to the agency of copying the record if another fee is not otherwise provided by law. The actual cost shall not include any administrative or labor costs resulting from locating and providing a copy of the public record; provided however, that a public agency or independent public body corporate and politic or public official may establish a fee to recover the actual labor cost associated with locating and copying documents if:

(i) The request is for more than one hundred (100) pages of paper records; or

(ii) The request includes records from which nonpublic information must be deleted; or

(iii) The actual labor associated with locating and copying documents for a request exceeds two (2) person hours.

(b) For providing a duplicate of a computer tape, computer disc, microfilm or similar or analogous record system containing public record information, a public agency or independent public body corporate and politic or public official may charge a fee, uniform to all persons that does not exceed the sum of the following:

(i) The agency's direct cost of copying the information in that form;

(ii) The standard cost, if any, for selling the same information in the form of a publication;

(iii) The agency's cost of conversion, or the cost of conversion charged by a third party, if the existing electronic record is converted to another electronic form.

The custodian may require advance payment of the cost of copying. Any money received by the public agency or independent public body corporate and politic shall be credited to the account for which the expense being reimbursed was or will be charged, and such funds may be expended by the agency as part of its appropriation from that fund.

(c) The public agency or independent public body corporate and politic may not charge any cost or fee for copies or labor when the requester demonstrates either:

(i) The inability to pay; or

(ii) That the public's interest or the public's understanding of the operations or activities of government or its records would suffer by the assessment or collection of any fee.

(9) A public agency or independent public body corporate and politic shall not prevent the examination or copying of a public record by contracting with a nongovernmental body to perform any of its duties or functions.

(10) Nothing contained herein shall prevent a public agency or independent public body corporate and politic from disclosing statistical information that

1 is not descriptive of an identifiable person or persons, unless prohibited by
2 law.

3 (11) Nothing contained herein shall prevent a public agency or independent
4 public body corporate and politic from providing a copy of a public record in
5 electronic form if the record is available in electronic form and if the per-
6 son specifically requests an electronic copy. A request for a public record
7 and delivery of the public record may be conducted by electronic mail.

8 SECTION 2. That Section 9-339, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 9-339. RESPONSE TO REQUEST FOR EXAMINATION OF PUBLIC RECORDS. (1) A pub-
11 lic agency or independent public body corporate and politic shall either grant
12 or deny a person's request to examine or copy public records within three (3)
13 working days of the date of the receipt of the request for examination or
14 copying. If it is determined by employees of the public agency or independent
15 public body corporate and politic that a longer period of time is needed to
16 locate or retrieve the public records, the public agency or independent public
17 body corporate and politic shall so notify in writing the person requesting to
18 examine or copy the records and shall provide the public records to the person
19 no later than ten (10) working days following the person's request. Provided
20 however, if it is determined the existing electronic record requested will
21 first have to be converted to another electronic format by the agency or by a
22 third party and that such conversion cannot be completed within ten (10) work-
23 ing days, the agency shall so notify in writing the person requesting to exam-
24 ine or copy the records. The agency shall provide the converted public record
25 at a time mutually agreed upon between the agency and the requester, with due
26 consideration given to any limitations that may exist due to the process of
27 conversion or due to the use of a third party to make the conversion.

28 (2) If the public agency or independent public body corporate and politic
29 fails to respond, the request shall be deemed to be denied within ten (10)
30 working days following the request.

31 (3) If the public agency or independent public body corporate and politic
32 denies the person's request for examination or copying the public records or
33 denies in part and grants in part the person's request for examination and
34 copying of the public records, the person legally responsible for administer-
35 ing the public agency or independent public body corporate and politic or that
36 person's designee shall notify the person in writing of the denial or partial
37 denial of the request for the public record.

38 (4) The notice of denial or partial denial shall state that the attorney
39 for the public agency or independent public body corporate and politic has
40 reviewed the request or shall state that the public agency or independent pub-
41 lic body corporate and politic has had an opportunity to consult with an
42 attorney regarding the request for examination or copying of a record and has
43 chosen not to do so. The notice of denial or partial denial also shall indi-
44 cate the statutory authority for the denial and indicate clearly the person's
45 right to appeal the denial or partial denial and the time periods for doing
46 so.

47 SECTION 3. An emergency existing therefor, which emergency is hereby
48 declared to exist, this act shall be in full force and effect on and after its
49 passage and approval.

HOUSE BILL NO. 739

AN ACT

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IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 743

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE SCHOOL FACILITIES IMPROVEMENT ACT; PROVIDING LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 6-2212, IDAHO CODE, TO PROVIDE REFERENCES TO THE APPOINTING AUTHORITY OF THE STATE BOARD OF EDUCATION AND TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 33-905, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY, TO DELETE OBSOLETE LANGUAGE, TO PROVIDE FOR DISTRIBUTION OF ADDITIONAL MONEYS, TO REQUIRE USE OF PAYMENTS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT AND TO DELETE CERTAIN REPORTING REQUIREMENTS; AMENDING SECTION 33-906, IDAHO CODE, TO REMOVE THE LIMITATION ON STATE FINANCIAL ASSISTANCE ONLY FOR THE INTEREST COST PORTION OF THE ANNUAL BOND INTEREST AND REDEMPTION PAYMENT AND TO PROVIDE FOR CERTAIN APPLICATION TO SCHOOL DISTRICTS WITH AN INDEX VALUE OF LESS THAN ONE AND ONE-HALF; AMENDING SECTION 33-907, IDAHO CODE, TO PROVIDE CODE REFERENCES; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-909, IDAHO CODE, TO PROVIDE A PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM AND TO CREATE A PUBLIC SCHOOL FACILITIES COOPERATIVE FUND; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1018B, IDAHO CODE, TO PROVIDE FOR SCHOOL BUILDING MAINTENANCE MATCHING FUNDS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1019, IDAHO CODE, TO REQUIRE SCHOOL DISTRICTS TO ANNUALLY DEPOSIT AN AMOUNT EQUAL TO A MINIMUM OF TWO PERCENT OF THE REPLACEMENT VALUE OF SCHOOL BUILDINGS TO A SCHOOL BUILDING MAINTENANCE FUND LESS THE AMOUNT DEPOSITED FROM STATE FUNDS, TO PROVIDE FOR CALCULATION OF THE STATE'S APPROPRIATION, TO PROVIDE FOR A STATE APPROPRIATION, TO PROVIDE FOR USE OF THE FUND MONEYS AND TO PROVIDE DEFINITIONS; AMENDING CHAPTER 80, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8006A, IDAHO CODE, TO DIRECT THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY AND THE STATE DEPARTMENT OF EDUCATION TO DRAFT A BEST PRACTICES MAINTENANCE PLAN FOR SCHOOL BUILDINGS; AMENDING SECTION 39-8011, IDAHO CODE, TO PROVIDE A CONDITION UNDER WHICH THE ADMINISTRATOR SHALL SUBMIT AN APPLICATION TO THE PUBLIC SCHOOL FACILITIES COOPERATIVE FUND PANEL TO ABATE AN IDENTIFIED SAFETY HAZARD; AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE THAT AN AMOUNT EQUAL TO THE ANNUAL GENERAL FUND APPROPRIATION FOR BOND LEVY EQUALIZATION SHALL BE ANNUALLY DISTRIBUTED TO THE GENERAL FUND; TRANSFERRING AND APPROPRIATING \$25,000,000 FROM THE GENERAL FUND TO THE PUBLIC SCHOOL FACILITIES COOPERATIVE FUND; AND PROVIDING NONSEVERABILITY WITH EXCEPTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Legislature hereby finds that:

(1) Section 1, Article IX, of the Constitution of the state of Idaho provides that "it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common

schools."

(2) In the case of Idaho Schools for Equal Educational Opportunity v. Evans, 123 Idaho 573 (1993), the Idaho Supreme Court held that the then existing State Board of Education rules for school facilities, textbooks and curriculum, and transportation systems were consistent with the thoroughness requirements of Section 1, Article IX, of the Constitution of the state of Idaho. The Supreme Court remanded the case for trial to determine if the system of funding was providing such school facilities, textbooks and curriculum, and transportation systems called for in the rules.

(3) In response to that action, the Legislature enacted Section 33-1612, Idaho Code, which defined thoroughness and included "a safe environment conducive to learning" among the statutory definitions of thoroughness.

(4) In a subsequent ruling in the same case, Idaho Schools for Equal Educational Opportunity v. State, 132 Idaho 559 (1999), the Idaho Supreme Court held that the statutory requirement of "a safe environment conducive to learning" and the rules adopted pursuant to it were consistent with the thoroughness requirements of Section 1, Article IX, of the Constitution of the state of Idaho, and that such a safe environment was inherently part of a thorough system of public, free common schools required by Section 1, Article IX, of the Constitution of the state of Idaho. The Supreme Court remanded the case to the district court to determine whether the funding system was providing a safe environment conducive to learning.

(5) On February 5, 2001, the Fourth Judicial District Court entered findings of fact and conclusions of law that the system of school funding then in existence was constitutionally deficient in its ability to repair or replace dangerous or unsafe conditions in school buildings.

(6) On December 21, 2005, on appeal to the Supreme Court, the Idaho Supreme Court affirmed the district court's February 5, 2001, decision and said:

In sum, the evidence in the record clearly supports the district court's 2001 Findings. We affirm the conclusion of the district court that the current funding system is simply not sufficient to carry out the Legislature's duty under the constitution. While the Legislature has made laudable efforts to address the safety concerns of various school districts, the task is not yet complete. The appropriate remedy, however, must be fashioned by the Legislature and not this Court. Quite simply, Article IX of our constitution means what it says: "[I]t shall be the duty of the Legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools." Thus, it is the duty of the State, and not this Court or the local school districts, to meet this constitutional mandate.

(7) In response to the Supreme Court's 2005 decision, and mindful that the Supreme Court has recognized the Legislature's efforts, following the district court's decision in 2001, to provide a system of funding that provides safe schools, it is the purpose of this Act to fulfill the Legislature's responsibility under Section 1, Article IX, of the Constitution of the state of Idaho, by establishing an ongoing, state-funded system for funding repair or replacement of unsafe school facilities in a manner that fairly and equitably balances the state and local contributions. It requires funds to be dedicated to maintenance to arrest deterioration of schools before they become unsafe.

(8) In proposing this Act, it is the intent of the Legislature to:

(a) Amend the statutes addressing the School District Building Account to provide an ongoing means of providing funds from that account for the pur-

pose of assisting school districts to fund repair or replacement of unsafe school facilities; and

(b) Remove all artificial limits on the functioning of the bond levy equalization value index. The index measures a school district's relative ability to pay, and provides a secure, ongoing revenue source for the bond levy equalization program, enabling each school district's full share of state lottery funds to be used for school building maintenance and repairs; and

(c) Establish an ongoing School Facilities Cooperative Funding Program to assist school districts to fund repair or replacement of unsafe school buildings when school districts are unable to fund necessary repair or replacement; and

(d) Provide ongoing, fair and equitable state assistance to school districts under the School Facilities Cooperative Funding Program whereby the state initially funds the total cost of repair and replacement that school districts are unable to fund themselves. It creates the necessary taxing authority to pay the school district's share of the cost of repair or replacement, and establishes a statutory formula to annually determine the school district's fair and equitable share of the costs of repair or replacement that compares the school district's bonds and/or plant facilities levy rates to the statewide average bond and/or facility levy rate; and

(e) Require each school district to annually set aside an adequate amount of moneys for the exclusive purpose of school building maintenance in order to arrest deterioration in school facilities that have lead to unsafe conditions and to provide a sliding scale of state match subsidies for this amount based upon the school district's relative ability to pay.

SECTION 2. That Section 6-2212, Idaho Code, be, and the same is hereby amended to read as follows:

6-2212. STATE SUPERVISION. When authorized ~~in this chapter~~ by law, the district court, or the state board of education pursuant to section 33-909, Idaho Code, may issue an order for state supervision of a local school district. When an order for state supervision of a local school district is entered by the district court, the superintendent of public instruction shall within thirty-five (35) calendar days appoint, at local school district expense, an officer to be known as a district supervisor. When an order for state supervision of a local school district is entered by the state board of education, the district supervisor shall be appointed pursuant to section 33-909, Idaho Code, at local school district expense. The district supervisor shall have authority to approve or disapprove any actions of the board of the local school district, to supervise or dismiss superintendents, ~~assistance~~ assistant superintendents, and any other district administrative personnel, and to take any actions necessary to further the local school district's obligations to provide constitutionally required educational services. In the case of appointment by the superintendent of public instruction, tThe district supervisor shall serve at the pleasure of the superintendent of public instruction until removed by the superintendent of public instruction or the superintendent of public instruction reports to the district court that the local school district is in substantial compliance with its obligations to provide constitutionally required educational services, or until the district court, upon its own motion or upon motion of any of the parties, orders state supervision to end. In the case of appointment by the state board of education, the district supervisor shall serve pursuant to section 33-909, Idaho

1 Code.

2 SECTION 3. That Section 33-905, Idaho Code, be, and the same is hereby
3 amended to read as follows:

4 33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT -- MONEYS
5 APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS TO DISTRICTS
6 -- REPORTS ON APPLICATIONS -- USES OF MONEYS. (1.) The state of Idaho, recog-
7 nizing in order to fulfill its responsibility to establish and maintain a gen-
8 eral, uniform and thorough system of public, free common schools, ~~in an effort~~
9 ~~to partially fulfill this responsibility~~, hereby creates and establishes the
10 school district building account in the state treasury. The school district
11 building account shall have paid into it such appropriations or revenues as
12 may be provided by law.

13 ~~(2.) Moneys in the school district building account are hereby appropri-~~
14 ~~ated to and may be expended by the state board of education at any time for~~
15 ~~the purposes provided in this section, any provision of chapter 35, title 67,~~
16 ~~Idaho Code, or chapter 36, title 67, Idaho Code, notwithstanding.~~

17 ~~3. (a) As to any moneys in the account other than lottery dividends dis-~~
18 ~~tributed pursuant to subsection 4. of this section, the board of trustees~~
19 ~~of any school district may apply to the state board of education to~~
20 ~~receive a payment or payments from the school district building account;~~
21 ~~provided, a district demonstrates to the state board of education that it~~
22 ~~has a substantial and serious need based upon the district's classroom~~
23 ~~student teacher ratios, past efforts to levy for such construction, physi-~~
24 ~~cal condition of existing structures, and the total assessed market value~~
25 ~~of the district, all of which shall be further defined by actual need cri-~~
26 ~~teria established by the state board of education.~~

27 ~~(b) When an application for moneys from the account is approved by the~~
28 ~~state board of education, the state board shall inform the school district~~
29 ~~that the application has been approved, citing the amount approved for~~
30 ~~payment and an estimate of the time when the payment can actually be made~~
31 ~~to the school district.~~

32 ~~4. By not later than August 31, moneys in the account pursuant to distri-~~
33 ~~bution from section 67-7434, Idaho Code, the lottery dividends and interest~~
34 ~~earned thereon, shall be distributed to each of the several school districts,~~
35 ~~in the proportion that the average daily attendance of that district for the~~
36 ~~previous school year bears to the total average daily attendance of the state~~
37 ~~during the previous school year. For the purposes of this subsection 4.(2)~~
38 ~~only, the Idaho school for the deaf and blind shall be considered a school~~
39 ~~district, and shall receive a distribution based upon the average daily atten-~~
40 ~~dance of the school. Average daily attendance shall be calculated as provided~~
41 ~~in section 33-1002 45., Idaho Code.~~

42 (3) Any other state moneys that may be made available shall be distrib-
43 uted to meet the requirements of section 33-1019, Idaho Code. If the amount of
44 such funds exceeds the amount needed to meet the provisions of section
45 33-1019, Idaho Code, then the excess balance shall be transferred to the pub-
46 lic education stabilization fund.

47 5.(4) All payments from the school district building account shall be
48 paid out directly to the school district in warrants drawn by the state con-
49 troller upon presentation of proper vouchers from the state board of educa-
50 tion. Pending payments out of the school district building account, the moneys
51 in the account shall be invested by the state treasurer in the same manner as
52 provided under section 67-1210, Idaho Code, with respect to other idle moneys
53 in the state treasury. Interest earned on the investments shall be returned to

the school district building account.

~~6-(5)~~ Payments from the school district building account received by a school district ~~may shall~~ be used by the school district for the purposes authorized in section 33-~~1102~~1019, Idaho Code, up to the level of the state match so required. Any payments from the school district building account received by a school district that are in excess of the state match requirements of section 33-1019, Idaho Code, may be used by the school district for the purposes authorized in section 33-1102, Idaho Code.

~~7.-(a)-By not later than December 1, each school district shall report to the state department of education the projects on which moneys received from the school district building account were expended. The state department of education shall transmit a summary of such reports to the legislature by not later than January 15 of the following year.~~

~~(b)-By not later than December 1, each school district shall report to the state department of education the planned uses for the moneys received from the school district building account. The state department of education shall transmit a summary of the reports to the legislature by not later than January 15 of the following year.~~

SECTION 4. That Section 33-906, Idaho Code, be, and the same is hereby amended to read as follows:

33-906. BOND LEVY EQUALIZATION SUPPORT PROGRAM. (1) Pursuant to section 33-906B, Idaho Code, school districts with a value index below one (1) shall be eligible to receive additional state financial assistance for the cost of annual bond interest and redemption payments made on bonds passed on or after September 15, 2002. However, any school district with a value index of less than one and one-half (1.5), shall receive no less than ten percent (10%) of the interest cost portion of the annual bond interest and redemption payment for bonds passed on or after September 15, 2002. The state department of education shall disburse such funds to school districts from moneys appropriated from the bond levy equalization fund. The department shall disburse the funds by no later than September 1 of each year for school districts in which voters have approved the issuance of qualifying bonds by no later than January 1 of that calendar year, and which are certifying a qualifying bond interest and redemption payment for the fiscal year in which the disbursement is made. For districts with a value index below one (1), the percentage of each annual bond interest and redemption payment that is paid by the state shall be determined by dividing the difference between one (1) and the school district's value index by one (1). ~~provided that the state shall pay for no more than the interest cost portion of the annual bond interest and redemption payment, and each school district shall receive no less than ten percent (10%) of the interest cost portion of the qualifying bond interest and redemption payment.~~

(2) For the purposes of this section, the annual bond interest and redemption payment shall be determined by dividing the total payment amounts by the number of fiscal years in which payments are to be made. The interest cost portion of the annual bond interest and redemption payment shall be determined by dividing the total interest paid by the number of fiscal years in which payments are to be made. For school districts not qualifying for a state payment in the first year of the bond interest and redemption payment schedule, due solely to the January 1 eligibility deadline, the state department of education shall distribute an additional payment in the next fiscal year, in the amount of such funds that the school district would have otherwise qualified for in the current fiscal year.

(3) The provisions of this section may not be utilized to refinance

existing debt or subsidize projects previously subsidized by state grants; provided however, that any school district that has issued qualifying bonds prior to June 30, 2004, in conformance with this section shall not be deemed to be refinancing existing debt when the qualifying bonds are utilized to finance the acquisition of public school facilities previously leased or financed through means other than the issuance of general obligation bonds approved by a two-thirds (2/3) vote at an election called for that purpose subject to subsection (5) of this section.

(4) School districts shall annually report the status of all qualifying bonds to the state department of education by January 1 of each year, including bonds approved by the voters, but not yet issued. Information submitted shall include the following:

(a) The actual or estimated bond interest and redemption payment schedule;

(b) Any qualifying bond that has been paid off;

(c) Other information as may be required by the state department of education.

(5) No school district eligible for participation in the bond levy equalization support program shall be deemed ineligible for participation due to that school district's eligibility and prior participation in the safe school facilities loan and grant program or the Idaho safe schools facilities program under section 33-804A, 33-1017 or 33-1613, Idaho Code, provided that:

(a) Such school district notifies the state department of education of its desire and eligibility to participate in the bond levy equalization support program; and

(b) Such school district shall receive no state financial assistance under the bond levy equalization support program until the amount to which it would otherwise have been entitled to receive shall equal the amounts received by the school district under the safe school facilities loan and grant program or the Idaho safe schools facilities program under section 33-804A, 33-1017 or 33-1613, Idaho Code.

SECTION 5. That Section 33-907, Idaho Code, be, and the same is hereby amended to read as follows:

33-907. PUBLIC EDUCATION STABILIZATION FUND. There is hereby created in the state treasury a fund to be known as the public education stabilization fund, which shall function as a fund detail of the public school income fund. The fund shall consist of moneys transferred to the fund according to the provisions of sections 33-905 and 33-1018, Idaho Code, and any other moneys made available through legislative transfers or appropriations. Moneys in the fund are hereby continuously appropriated for the purposes stated in sections 33-1018 and 33-1018B, Idaho Code, and shall only be expended for the purposes stated in sections 33-1018, and 33-1018A and 33-1018B, Idaho Code. Any accumulated balances in the fund that are in excess of three five percent (35%) of the current fiscal year's total general fund appropriation for public school support shall be transferred to the bond levy equalization fund. Interest earned from the investment of moneys in the fund shall be credited to the public school income fund.

SECTION 6. That Chapter 9, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-909, Idaho Code, and to read as follows:

33-909. PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM -- FUND CRE-

ATED. (1) In fulfillment of the constitutional requirement to provide a general, uniform and thorough system of public, free common schools, it is the intent of the state of Idaho to advance its responsibility for providing a safe environment conducive to learning by providing a public school facilities funding program to enable qualifying school districts to address unsafe facilities identified as unsafe under the standards of the Idaho uniform school building safety act.

(2) Participation in the program, for the purpose of obtaining state financial support to abate identified school building safety hazards, requires submission of an application to the public school facilities cooperative funding program panel. Application can be made by:

(a) Any school district that has failed to approve at least one (1) or more bond levies for the repair, renovation or replacement of existing unsafe facilities, within the two (2) year period immediately preceding submission of the application; or

(b) The administrator of the division of building safety, for a school district that has failed to address identified unsafe facilities as provided in chapter 80, title 39, Idaho Code.

(3) There is hereby created within the office of the state board of education the Idaho public school facilities cooperative funding program panel, hereafter referred to as the panel. The panel shall consist of the administrator of the division of building safety, the administrator of the division of public works and the executive director of the state board of education, or a designee appointed by a panel member. It shall be the duty of the panel to consider all applications made to it, and to either approve, modify or reject an application based on the most economical solution to the problem, as analyzed within a projected twenty (20) year time frame.

(4) The application shall contain the following information:

(a) The identified school building safety hazards and such other information necessary to document the deficiencies;

(b) The school district's plan for abating the defects, including costs and sources and amounts of revenue available to the school district;

(c) The market value for assessment purposes of the school district; and

(d) A detailed accounting of all bond and plant facility levies of the school district and the revenues raised by such levies.

For applications initiated by the administrator of the division of building safety pursuant to subsection (2)(b) of this section, the school district shall provide the information required in this subsection (4) if such information is not available to the administrator.

(5) In considering an application, the panel shall determine whether the plan as proposed is acceptable, or is acceptable with modifications as determined by the panel, or should be rejected. The panel shall notify the applicant of its decision, in writing, within sixty (60) days of receiving the application. At the same time the panel notifies the applicant, the panel shall send notification of an approved application or a modified application to the state board of education, along with the panel's specifications for the project and its cost.

(6) If an application received from a school district is accepted or modified by the panel, the local board of trustees of that school district, at the next election held pursuant to section 34-106, Idaho Code, shall submit the question to the qualified electors of the school district of whether to approve a bond in the amount of the cost of the project as approved by the panel.

(7) Within thirty-five (35) calendar days of receiving notification from the panel that an application submitted by the administrator of the division

of building safety pursuant to subsection (2)(b) of this section has been approved or modified by the panel, or within thirty-five (35) calendar days of receiving certification from the panel that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the state board of education shall appoint a district supervisor for interim state supervision of the local school district. The district supervisor shall be responsible for ensuring that the project, as approved by the panel, is completed and shall regularly report to the panel in a manner as determined by the panel upon approval of the project. The district supervisor shall also have the authority granted to said position by the provisions of section 6-2212, Idaho Code. A district supervisor's term of service shall continue for the duration of the project, and such person appointed as a district supervisor shall serve at the pleasure of the state board of education.

(8) Upon approval of an application or a modified application submitted by the administrator of the division of building safety pursuant to subsection (2)(b) of this section, or upon receipt of certification from the county that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the panel shall certify the cost of the project, as approved by the panel, to the state department of education.

(a) The total cost of the project shall initially be paid by the state from the public school facilities cooperative fund.

(b) The district's share of costs that may be repaid through the levy provisions of this section shall not exceed the district's share of bond payment costs as calculated for the bond levy equalization support program in the fiscal year in which the application is made. Interest shall be charged on the unpaid balance of the district's share of costs, as such balance exists at the end of each fiscal year, at the rate of interest earned by the state treasurer on the investment of idle funds in that fiscal year.

(c) It shall be the responsibility of the state department of education to calculate a state-authorized plant facilities levy rate in accordance with the provisions of subsection (9) of this section, which, when imposed over a maximum period not to exceed twenty (20) years, may yield the revenues needed to repay the school district's share of the cost of the project.

(d) The levy rate calculated by the state department of education shall be certified by the department to the county or counties wherein the boundaries of the school district are contained, for assessment of the levy and collection of the revenues by such county or counties in the manner provided by law. The revenues collected by imposition of the state-authorized plant facilities levy shall be remitted to the state treasurer for deposit to the public school facilities cooperative fund.

(9) The annual state-authorized plant facilities levy rate shall be limited to the greater of:

(a) The difference between the school district's combined bond and plant facilities levy rates, and the statewide average bond and plant facility levy rates; or

(b) The statewide average plant facility levy rate.

The initial levy rate so calculated shall be established as the minimum levy rate that shall be imposed for the amount of time required to reimburse the state for the school district's share of the project cost, but not to exceed twenty (20) years, even if this period would not provide reimbursement of the entire amount of the school district's share of the cost of the project. The state department of education is authorized and directed to recalculate the levy rate on an annual basis, and is authorized to increase or decrease the

levy rate according to the scheduled payback, but the levy rate shall not be less than the levy rate initially imposed. Provided however, if the levy rate calculated is estimated to raise more money than would be necessary to repay the district's share of costs, then the state department of education shall certify to the county or counties wherein the boundaries of the school district are contained, the moneys necessary to repay the district's share of costs.

(10) There is hereby created in the state treasury a public school facilities cooperative fund. The fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to finance the public school facilities cooperative funding program, and are hereby continuously appropriated for such purposes as authorized by this section. Moneys in the fund shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be credited to the school district building account.

SECTION 7. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1018B, Idaho Code, and to read as follows:

33-1018B. SCHOOL BUILDING MAINTENANCE MATCHING FUNDS. If the amount of money appropriated from the school district building account created in section 33-905, Idaho Code, is insufficient to meet the state matching fund requirements of section 33-1019, Idaho Code, then such insufficiency shall be made up with a distribution from the public education stabilization fund created in section 33-907, Idaho Code.

SECTION 8. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1019, Idaho Code, and to read as follows:

33-1019. ALLOCATION FOR SCHOOL BUILDING MAINTENANCE REQUIRED. (1) School districts shall annually deposit to a school building maintenance fund moneys from any source available to the district equal to at least two percent (2%) of the replacement value of school buildings, less the deposit of state funds as provided in this section. The state shall annually provide funds to be deposited into the school building maintenance fund as follows:

(a) Divide one (1) by the school district's value index for the fiscal year, as calculated pursuant to section 33-906B, Idaho Code; and

(b) Multiply the result by one-half of one percent (0.5%) of the replacement value of school buildings.

(c) For purposes of the calculation in this subsection (1), public charter schools shall be assigned a value index of one (1).

(2) State funds shall be appropriated through the educational support program/division of facilities, and disbursed from the school district building account. The order of funding sources used to meet the state funding requirements of this section shall be as follows:

(a) State lottery funds distributed pursuant to section 33-905(2), Idaho Code;

(b) If state lottery funds are insufficient to meet the state funding requirements of this section, then other state funds available pursuant to section 33-905(3), Idaho Code, shall be utilized; and

(c) If the funds in paragraphs (a) and (b) of this subsection (2) are insufficient to meet the state funding requirements of this section, then

1 funds available pursuant to section 33-1018B, Idaho Code, shall be uti-
2 lized.

3 (3) Moneys in a school district's school building maintenance fund shall
4 be used exclusively for the maintenance and repair of school buildings, and
5 shall be utilized, first, to abate serious or imminent safety hazards, as
6 identified pursuant to chapter 80, title 39, Idaho Code. Unexpended moneys in
7 a school district's school building maintenance fund shall be carried over
8 from year to year. The replacement value of school buildings shall be deter-
9 mined by multiplying the number of square feet of building floor space in
10 school buildings by eighty dollars (\$80.00). The joint finance-appropriations
11 committee shall annually review the replacement value per square foot when
12 setting appropriations for the educational support program, and may make
13 adjustments to this figure as necessary. School districts shall submit the
14 following to the state department of education by not later than December 1:

15 (a) The number of square feet of school building floor space; and

16 (b) The funds and fund sources deposited into the school district's
17 school building maintenance fund and the fund balance carried forward from
18 the prior fiscal year; and

19 (c) The projects on which moneys from the school district's school build-
20 ing maintenance fund were expended, and the amount and categories of
21 expenditures from the fund; and

22 (d) The planned uses of moneys in the school district's school building
23 maintenance fund.

24 The state department of education shall transmit a summary of such reports to
25 the legislature by not later than January 15 of the following year.

26 (4) For the purposes of this section:

27 (a) "School building" means buildings that are owned by the school dis-
28 trict or leased by the school district through a lease-purchase agreement
29 and are occupied by students.

30 (b) "School district" means a school district or public charter school.

31 SECTION 9. That Chapter 80, Title 39, Idaho Code, be, and the same is
32 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
33 ignated as Section 39-8006A, Idaho Code, and to read as follows:

34 39-8006A. BEST PRACTICES MAINTENANCE PLAN FOR SCHOOL BUILDINGS. The
35 administrator of the division of building safety and the state department of
36 education shall consult and shall draft a best practices maintenance plan for
37 school buildings which shall be supplied to the superintendent of each school
38 district. Based on the best practices maintenance plan, each school district
39 shall develop a ten (10) year plan and submit it to the state department of
40 education for approval. Annually thereafter, the school district shall submit
41 a report to the state department of education detailing the work completed
42 pursuant to the maintenance plan and any revisions to that plan.

43 SECTION 10. That Section 39-8011, Idaho Code, be, and the same is hereby
44 amended to read as follows:

45 39-8011. VIOLATIONS. (1) If a school district, the district superintend-
46 ent, principal, board of trustees, or other person in charge willfully vio-
47 lates the provisions of this chapter, the state superintendent of public
48 instruction shall withhold such ensuing apportionments as are necessary to
49 make repairs to abate the identified imminent safety hazard or serious safety
50 hazard. Withheld funds, not to exceed one and one-half percent (1 1/2%) of the
51 district's appropriation, shall be disbursed only to pay for such repairs.

(2) If the funds that would be raised over two (2) fiscal years from applying the provisions of subsection (1) of this section are insufficient, in combination with all moneys that will be available in the district's school building maintenance fund for the same period, to provide sufficient moneys to abate the identified imminent or serious safety hazard, then the administrator shall submit an application to abate said hazard to the Idaho public school facilities cooperative funding program panel pursuant to section 33-909, Idaho Code.

(3) It is a misdemeanor to remove, without permission of the administrator, a notice or order posted pursuant to this chapter.

SECTION 11. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 17.3% of such balance shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) 0.4% of such balance shall be distributed to the central tumor registry account. The amount of money so distributed to the central tumor registry account shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 1% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) ~~21.25% of such balance~~ An amount equal to the annual general fund appropriation for bond levy equalization, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund of the state of Idaho for the fiscal year commencing July 1, 2005 through June 30, 2006.

(5) All remaining moneys shall be distributed as follows: For the fiscal year commencing July 1, 2005, and ending June 30, 2006, all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol

1 building and state facilities pertaining to the capitol restoration until
2 such time as the capitol restoration is adequately funded as certified by
3 the director of the department of administration. Thereafter all moneys
4 shall be distributed to the economic recovery reserve fund created by sec-
5 tion 67-3520, Idaho Code.

6 SECTION 12. There is hereby transferred and appropriated \$25,000,000 from
7 the General Fund to the Public School Facilities Cooperative Fund.

8 SECTION 13. NONSEVERABILITY. With the exception of Sections 4, 11 and 12
9 of this act, the remaining provisions of this act are hereby declared to be
10 nonseverable and if any provision of the remaining portions of this act or the
11 application of such provision to any person or circumstance is declared
12 invalid for any reason, such declaration shall render all such remaining por-
13 tions of this act null, void and of no force or effect.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

LEGISLATURE OF THE STATE OF IDAHO

Fifty-eighth Legislature

Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 750, As Amended

BY EDUCATION COMMITTEE

AN ACT

RELATING TO STUDENT HARASSMENT, INTIMIDATION AND BULLYING; AMENDING SECTION 33-205, IDAHO CODE, TO PROVIDE THAT SUPERINTENDENTS AND PRINCIPALS MAY TEMPORARILY SUSPEND PUPILS FOR STUDENT HARASSMENT, INTIMIDATION OR BULLYING; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES FOR BOARDS OF TRUSTEES; AND AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-917A, IDAHO CODE, TO PROHIBIT STUDENT HARASSMENT, INTIMIDATION OR BULLYING OF ANOTHER STUDENT, TO DEFINE TERMS AND TO PROVIDE THAT ANY STUDENT WHO COMMITS OR CONSPIRES TO COMMIT AN ACT OF HARASSMENT, INTIMIDATION OR BULLYING MAY BE GUILTY OF AN INFRACTION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby amended to read as follows:

33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state. Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

Provided however, the board shall expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have carried a weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis. Discipline of students with disabilities shall be in accordance with the requirements of federal law part B of the individuals with disabilities education act and section 504 of the rehabilitation act. An authorized representative of the board shall report such student and incident to the appropriate law enforcement agency.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-exam-

ine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, shall come under the purview of the juvenile corrections act, and an authorized representative of the board shall, within five (5) days, give written notice of the pupil's expulsion to the prosecuting attorney of the county of the pupil's residence.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

1. To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff

development activities conducted on such days as the local school board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided in paragraph (c)(i) of this section.

(e) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instructions).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

(g) The state superintendent of public instruction may grant an exemption from the provisions of this section for an individual building within a district, when the closure of that building, for unforeseen circumstances, does not affect the attendance of other buildings within the district.

2. To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

3. To provide, or require pupils to be provided with, suitable textbooks and supplies, and for advice on textbook selections may appoint a textbook adoption committee as provided in section 33-512A, Idaho Code;

4. To protect the morals and health of the pupils;

5. To exclude from school, children not of school age;

6. To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

7. To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health or local health authorities;

8. To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

9. To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

10. To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in

1 session; and for each Veterans Day, each school in session shall conduct and
2 observe an appropriate program of at least one (1) class period remembering
3 and honoring American veterans;

4 11. To prohibit entrance to each schoolhouse or school grounds, to pro-
5 hibit loitering in schoolhouses or on school grounds and to provide for the
6 removal from each schoolhouse or school grounds of any individual or individu-
7 als who disrupt the educational processes or whose presence is detrimental to
8 the morals, health, safety, academic learning or discipline of the pupils. A
9 person who disrupts the educational process or whose presence is detrimental
10 to the morals, health, safety, academic learning or discipline of the pupils
11 or who loiters in schoolhouses or on school grounds, is guilty of a misde-
12 meanor.

13 12. To supervise and regulate, including by contract with established
14 entities, those extracurricular activities which are by definition outside of
15 or in addition to the regular academic courses or curriculum of a public
16 school, and which extracurricular activities shall not be considered to be a
17 property, liberty or contract right of any student, and such extracurricular
18 activities shall not be deemed a necessary element of a public school educa-
19 tion, but shall be considered to be a privilege.

20 13. To govern the school district in compliance with state law and rules
21 of the state board of education.

22 14. To submit to the superintendent of public instruction not later than
23 July 1 of each year documentation which meets the reporting requirements of
24 the federal gun-free schools act of 1994 as contained within the federal
25 improving America's schools act of 1994.

26 15. To require that all persons hired for the first time by the district
27 or who have been in the employ of the district five (5) years or less, undergo
28 a criminal history check as provided in section 33-130, Idaho Code. All such
29 employees who are required to undergo a criminal history check shall obtain
30 the history check within three (3) months of starting employment, or for
31 employees with five (5) years or less with the district, within three (3)
32 months from the date such employee is notified that he must undergo a criminal
33 history check. Such employees shall pay the cost of the criminal history
34 check. If the criminal history check shows that the employee has been con-
35 victed of a felony crime enumerated in section 33-1208, Idaho Code, it shall
36 be grounds for immediate termination, dismissal or other personnel action of
37 the district, except that it shall be the right of the school district to
38 evaluate whether an individual convicted of one (1) of these crimes and having
39 been incarcerated for that crime shall be hired. The district may require any
40 or all persons who have been employed continuously with the same district for
41 more than five (5) years, to undergo a criminal history check as provided in
42 section 33-130, Idaho Code. If the district elects to require criminal history
43 checks of such employees, the district shall pay the costs of the criminal
44 history check or reimburse employees for such cost. A substitute teacher who
45 has undergone a criminal history check at the request of one (1) district in
46 which he has been employed as a substitute shall not be required to undergo an
47 additional criminal history check at the request of any other district in
48 which he is employed as a substitute if the teacher has obtained a criminal
49 history check within the previous three (3) years. If the district next
50 employing the substitute still elects to require another criminal history
51 check within the three (3) year period, that district shall pay the cost of
52 the criminal history check or reimburse the substitute teacher for such cost.

53 16. Each board of trustees of a school district shall be responsible for
54 developing a system for registering volunteers or contractors consistent with
55 maintaining a safe environment for their students.

17. To ensure that each school district, including specially chartered school districts, participates in the Idaho student information management system (ISIMS) to the full extent of its availability. The terms "Idaho student information management system," "appropriate access" and "real time" shall have such meanings as the terms are defined in section 33-1001, Idaho Code.

18. To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

SECTION 3. That Chapter 9, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION**, to be known and designated as Section 18-917A, Idaho Code, and to read as follows:

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or

(ii) Damaging a student's property; or

(iii) Placing a student in reasonable fear of harm to his or her person; or

(iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 752

BY EDUCATION COMMITTEE

AN ACT

RELATING TO THE IDAHO STATE BOARD OF EDUCATION; AMENDING SECTION 33-120, IDAHO CODE, TO PERMIT THE BOARD TO ADOPT RULES TO PROVIDE FOR A STUDENT INFORMATION MANAGEMENT SYSTEM; AMENDING SECTION 33-210, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING SECTION 33-512, IDAHO CODE, TO REMOVE REFERENCE TO THE STUDENT INFORMATION MANAGEMENT SYSTEM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-515, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-1001, IDAHO CODE, TO REMOVE THE DEFINITION FOR THE STUDENT INFORMATION MANAGEMENT SYSTEM AND FOR RELATED DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1004G, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 33-1204, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-120, Idaho Code, be, and the same is hereby amended to read as follows:

33-120. UNIFORM REPORTING. (1) The state superintendent of public instruction shall prescribe forms and format for uniform accounting for financial and statistical reports and performance measurements to provide consistent and uniform reporting by school districts.

(2) The state board of education may adopt rules pursuant to the provisions of chapter 52, title 67, Idaho Code, and under authority of section 33-105, Idaho Code, to provide for and implement a student information management system.

SECTION 2. That Section 33-210, Idaho Code, be, and the same is hereby amended to read as follows:

33-210. STUDENTS USING OR UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES. (1) It is legislative intent that parental involvement in all aspects of a child's education in the public school system remain a priority. Substance abuse prevention programs and counseling for students attending public schools are no exception. Consequently, it is the duty of the board of trustees of each school district, including specially chartered school districts, and governing boards of charter schools, to adopt and implement policies specifying how personnel shall respond when a student discloses or is reasonably suspected of using or being under the influence of alcohol or any controlled substance defined by section 37-2732C, Idaho Code. Such policies shall include provisions that anonymity will be provided to the student on a faculty "need to know" basis, when a student voluntarily discloses using or being under the influence of alcohol or any controlled substance while on school property or at a school function, except as deemed reasonably necessary to protect the health and safety of others. Notification of the disclosure and availability of counseling for students shall be provided to parents, the

1 legal guardian or child's custodian. However, once a student is reasonably
 2 suspected of using or being under the influence of alcohol or a controlled
 3 substance in violation of section 37-2732C, Idaho Code, regardless of any pre-
 4 vious voluntary disclosure, the school administrator or designee shall contact
 5 the student's parent, legal guardian or custodian, and report the incident to
 6 law enforcement. The fact that a student has previously disclosed use of alco-
 7 hol or a controlled substance shall not be deemed a factor in determining rea-
 8 sonable suspicion at a later date.

9 (2) In addition to policies adopted pursuant to this section, students
 10 may, at the discretion of the district board of trustees or governing board of
 11 a charter school, be subject to other disciplinary or safety policies, regard-
 12 less whether the student voluntarily discloses or is reasonably suspected of
 13 using or being under the influence of alcohol or a controlled substance in
 14 violation of district or charter school policy or section 37-2732C, Idaho
 15 Code.

16 (3) The district board of trustees or the governing board of the charter
 17 school shall ensure that procedures are developed for contacting law enforce-
 18 ment and the student's parents, legal guardian or custodian regarding a stu-
 19 dent reasonably suspected of using or being under the influence of alcohol or
 20 a controlled substance. District and charter school policies formulated to
 21 meet the provisions of section 37-2732C, Idaho Code, and this section shall be
 22 made available to each student, parent, guardian or custodian by August 31,
 23 2002, and thereafter as provided by section 33-512(6-), Idaho Code.

24 (4) Any school district employee or independent contractor of an educa-
 25 tional institution who has a reasonable suspicion that a student is using or
 26 is under the influence of alcohol or a controlled substance and, acting upon
 27 that suspicion, reports that suspicion to a school administrator or initiates
 28 procedures adopted by the board of trustees or governing board of the charter
 29 school pursuant to this section, shall have immunity from any liability, civil
 30 or criminal, that might otherwise be incurred or imposed. Any such participant
 31 shall have the same immunity with respect to participation in any judicial
 32 proceeding resulting from such report. Any person who reports in bad faith or
 33 with malice shall not be protected by this section. Employees and independent
 34 contractors of educational institutions who intentionally harass a student
 35 through the misuse of the authority provided in this section shall not be im-
 36 mune from civil liability arising from the wrongful exercise of that authority
 37 and shall be guilty of a misdemeanor punishable by a fine not to exceed three
 38 hundred dollars (\$300).

39 (5) For the purposes of this section, the following definitions shall
 40 apply:

41 (a) "Reasonable suspicion" means an act of judgment by a school employee
 42 or independent contractor of an educational institution which leads to a
 43 reasonable and prudent belief that a student is in violation of school
 44 board or charter school governing board policy regarding alcohol or con-
 45 trolled substance use, or the "use" or "under the influence" provisions of
 46 section 37-2732C, Idaho Code. Said judgment shall be based on training in
 47 recognizing the signs and symptoms of alcohol and controlled substance
 48 use.

49 (b) "Intentionally harass" means a knowing and willful course of conduct
 50 directed at a specific student which seriously alarms, annoys, threatens
 51 or intimidates the student and which serves no legitimate purpose. The
 52 course of conduct must be such as would cause a reasonable person to suf-
 53 fer substantial emotional distress.

54 (c) "Course of conduct" means a pattern or series of acts over a period
 55 of time, however short, evidencing a continuity of purpose. Constitution-

1 ally and statutorily protected activity is not included within the meaning
2 of "course of conduct."

3 SECTION 3. That Section 33-512, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school dis-
6 trict shall have the following powers and duties:

7 (1-) To fix the days of the year and the hours of the day when schools
8 shall be in session. However:

9 (a) Each school district shall annually adopt and implement a school cal-
10 endar which provides its students at each grade level with the following
11 minimum number of instructional hours:

12	Grades	Hours
13	9-12	990
14	4-8	900
15	1-3	810
16	K	450

17 (b) School assemblies, testing and other instructionally related activi-
18 ties involving students directly may be included in the required instruc-
19 tional hours.

20 (c) When approved by a local school board, annual instructional hour
21 requirements stated in paragraph (a) may be reduced as follows:

22 (i) Up to a total of twenty-two (22) hours to accommodate staff
23 development activities conducted on such days as the local school
24 board deems appropriate.

25 (ii) Up to a total of eleven (11) hours of emergency school closures
26 due to adverse weather conditions and facility failures.

27 However, transportation to and from school, passing times between classes,
28 recess and lunch periods shall not be included.

29 (d) Student and staff activities related to the opening and closing of
30 the school year, grade reporting, program planning, staff meetings, and
31 other classroom and building management activities shall not be counted as
32 instructional time or in the reductions provided in paragraph (c)(i) of
33 this section.

34 (e) For multiple shift programs, this rule applies to each shift (i.e.,
35 each student must have access to the minimum annual required hours of
36 instructions).

37 (f) The instructional time requirement for grade 12 students may be
38 reduced by action of a local school board for an amount of time not to
39 exceed eleven (11) hours of instructional time.

40 (g) The state superintendent of public instruction may grant an exemption
41 from the provisions of this section for an individual building within a
42 district, when the closure of that building, for unforeseen circumstances,
43 does not affect the attendance of other buildings within the district.

44 (2-) To adopt and carry on, and provide for the financing of, a total
45 educational program for the district. Such programs in other than elementary
46 school districts may include education programs for out-of-school youth and
47 adults; and such districts may provide classes in kindergarten;

48 (3-) To provide, or require pupils to be provided with, suitable text-
49 books and supplies, and for advice on textbook selections may appoint a text-
50 book adoption committee as provided in section 33-512A, Idaho Code;

51 (4-) To protect the morals and health of the pupils;

52 (5-) To exclude from school, children not of school age;

53 (6-) To prescribe rules for the disciplining of unruly or insubordinate

pupils, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

(7-) To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health or local health authorities;

(8-) To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

(9-) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

(10-) To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;

(11-) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor.

(12-) To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege.

(13-) To govern the school district in compliance with state law and rules of the state board of education.

(14-) To submit to the superintendent of public instruction not later than July 1 of each year documentation which meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994.

(15-) To require that all persons hired for the first time by the district or who have been in the employ of the district five (5) years or less, undergo a criminal history check as provided in section 33-130, Idaho Code. All such employees who are required to undergo a criminal history check shall obtain the history check within three (3) months of starting employment, or for employees with five (5) years or less with the district, within three (3) months from the date such employee is notified that he must undergo a criminal

history check. Such employees shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one (1) of these crimes and having been incarcerated for that crime shall be hired. The district may require any or all persons who have been employed continuously with the same district for more than five (5) years, to undergo a criminal history check as provided in section 33-130, Idaho Code. If the district elects to require criminal history checks of such employees, the district shall pay the costs of the criminal history check or reimburse employees for such cost. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous three (3) years. If the district next employing the substitute still elects to require another criminal history check within the three (3) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost.

(16-) Each board of trustees of a school district shall be responsible for developing a system for registering volunteers or contractors consistent with maintaining a safe environment for their students.

~~17- To ensure that each school district, including specially chartered school districts, participates in the Idaho student information management system (ISIMS) to the full extent of its availability. The terms "Idaho student information management system," "appropriate access" and "real time" shall have such meanings as the terms are defined in section 33-1001, Idaho Code.~~

18-(17) To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

SECTION 4. That Section 33-515, Idaho Code, be, and the same is hereby amended to read as follows:

33-515. ISSUANCE OF RENEWABLE CONTRACTS. During the third full year of continuous employment by the same school district, including any specially chartered district, each certificated employee named in subsection (17-6) of section 33-1001, Idaho Code, and each school nurse and school librarian shall be evaluated for a renewable contract and shall, upon having been offered a contract for the next ensuing year, having given notice of acceptance of renewal and upon signing a contract for a fourth full year, be placed on a renewable contract status with said school district subject to the provisions included in this chapter.

After the third full year of employment and at least once annually, the performance of each such certificated employee, school nurse, or school librarian shall be evaluated according to criteria and procedures established by the board of trustees in accordance with general guidelines approved by the state board of education. Except as otherwise provided, that person shall have the right to automatic renewal of contract by giving notice, in writing, of acceptance of renewal. Such notice shall be given to the board of trustees of the school district then employing such person not later than the first day of June preceding the expiration of the term of the current contract. Except as otherwise provided by this paragraph, the board of trustees shall notify each

1 person entitled to be employed on a renewable contract of the requirement that
 2 such person must give the notice hereinabove and that failure to do so may be
 3 interpreted by the board as a declination of the right to automatic renewal or
 4 the offer of another contract. Such notification shall be made, in writing,
 5 not later than the fifteenth day of May, in each year, except to those persons
 6 to whom the board, prior to said date, has sent proposed contracts for the
 7 next ensuing year, or to whom the board has given the notice required by this
 8 section.

9 Any contract automatically renewed under the provisions of this section
 10 shall be for the same length as the term stated in the current contract and at
 11 a salary no lower than that specified therein, to which shall be added such
 12 increments as may be determined by the statutory or regulatory rights of such
 13 employee by reason of training, service, or performance.

14 Nothing herein shall prevent the board of trustees from offering a renewed
 15 contract increasing the salary of any certificated person, or from reassigning
 16 an administrative employee to a nonadministrative position with appropriate
 17 reduction of salary from the preexisting salary level. In the event the board
 18 of trustees reassigns an administrative employee to a nonadministrative posi-
 19 tion, the board shall give written notice to the employee which contains a
 20 statement of the reasons for the reassignment. The employee, upon written
 21 request to the board, shall be entitled to an informal review of that deci-
 22 sion. The process and procedure for the informal review shall be determined by
 23 the local board of trustees.

24 Before a board of trustees can determine not to renew for reasons of an
 25 unsatisfactory report of the performance of any certificated person whose con-
 26 tract would otherwise be automatically renewed, or to renew the contract of
 27 any such person at a reduced salary, such person shall be entitled to a rea-
 28 sonable period of probation. This period of probation shall be preceded by a
 29 written notice from the board of trustees with reasons for such probationary
 30 period and with provisions for adequate supervision and evaluation of the
 31 person's performance during the probationary period. Such period of probation
 32 shall not affect the person's renewable contract status. Consideration of pro-
 33 bationary status for certificated personnel is consideration of the status of
 34 an employee within the meaning of section 67-2345, Idaho Code, and may be held
 35 in executive session. If the consideration results in probationary status, the
 36 individual on probation shall not be named in the minutes of the meeting. A
 37 record of the decision shall be placed in the teacher's personnel file.

38 If the board of trustees takes action to immediately discharge or dis-
 39 charge upon termination of the current contract a certificated person whose
 40 contract would otherwise be automatically renewed, or to renew the contract of
 41 any such person at a reduced salary, the action of the board shall be consis-
 42 tent with the procedures specified in section 33-513(5), Idaho Code, and fur-
 43 thermore, the board shall notify the employee in writing whether there is just
 44 and reasonable cause not to renew the contract or to reduce the salary of the
 45 affected employee, and if so, what reasons it relied upon in that determina-
 46 tion.

47 If the board of trustees, for reasons other than unsatisfactory service,
 48 for the ensuing contract year, determines to change the length of the term
 49 stated in the current contract, reduce the salary or not renew the contract of
 50 a certificated person whose contract would otherwise be automatically renewed,
 51 nothing herein shall require a probationary period.

52 SECTION 5. That Section 33-1001, Idaho Code, be, and the same is hereby
 53 amended to read as follows:

33-1001. DEFINITIONS. The following words and phrases used in this chapter are defined as follows:

(1-) "Administrative schools" means and applies to all elementary schools and kindergartens within a district that are situated ten (10) miles or less from both the other elementary schools and the principal administrative office of the district and all secondary schools within a district that are situated fifteen (15) miles or less from other secondary schools of the district.

(2-) "Average daily attendance" or "pupils in average daily attendance" means the aggregate number of days enrolled students are present, divided by the number of days of school in the reporting period; provided, however, that students for whom no Idaho school district is a home district shall not be considered in such computation.

(3-) "Elementary grades" or "elementary average daily attendance" means and applies to students enrolled in grades one (1) through six (6) inclusive, or any combination thereof.

(4-) "Elementary schools" are schools that serve grades one (1) through six (6) inclusive, or any combination thereof.

(5-) "Elementary/secondary schools" are schools that serve grades one (1) through twelve (12) inclusive, or any combination thereof.

(6-) "Homebound student" means any student who would normally and regularly attend school, but is confined to home or hospital because of an illness or accident for a period of ten (10) or more consecutive days.

(7-) ~~"Idaho student information management system (ISIMS)" means a secure, centralized data system where public school information is stored, accessed and analyzed. The system is comprised of two (2) parts: the first part includes a uniform package of software applications used by all public schools in Idaho for student-related administrative functions. The software applications shall handle such functions as student scheduling, grade reporting, attendance, recordkeeping, student achievement and teacher resources; the second part is a data warehouse where public school data are stored and contains a number of report-generating software applications. Related definitions within the context of ISIMS are:~~

~~(a) "Appropriate access" means secure, legally authorized access to information on the system consistent with the user's role as determined by rule of the state board of education; and~~

~~(b) "Real-time" means immediate access to current information on the system.~~

8- "Kindergarten" or "kindergarten average daily attendance" means and applies to all students enrolled in a school year, less than school year, or summer kindergarten program.

(9-8) "Public school district" or "school district" or "district" means any public school district organized under the laws of this state, including specially chartered school districts.

(10-9) "Secondary grades" or "secondary average daily attendance" means and applies to students enrolled in grades seven (7) through twelve (12) inclusive, or any combination thereof.

(11-0) "Secondary schools" are schools that serve grades seven (7) through twelve (12) inclusive, or any combination thereof.

(12-1) "Separate elementary school" means an elementary school which measured from itself, traveling on an all-weather road, is situated more than ten (10) miles distance from both the nearest elementary school and elementary/secondary school serving like grades within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(13-2) "Separate kindergarten" means a kindergarten which measured from itself, traveling on an all-weather road, is situated more than ten (10) miles distance from both the nearest kindergarten school within the same school district and from the location of the office of the superintendent of schools of such district, or from the office of the chief administrative officer of such district if the district employs no superintendent of schools.

(14-3) "Separate secondary school" means any secondary school which is located more than fifteen (15) miles by an all-weather road from any other secondary school and elementary/secondary school serving like grades operated by the district.

(15-4) "Support program" means the educational support program as described in section 33-1002, Idaho Code, the transportation support program described in section 33-1006, Idaho Code, and the exceptional education support program as provided in section 33-1007, Idaho Code.

(16-5) "Support unit" means a function of average daily attendance used in the calculations to determine financial support provided the public school districts.

(17-6) "Teacher" means any person employed in a teaching, instructional, supervisory, educational administrative or educational and scientific capacity in any school district. In case of doubt the state board of education shall determine whether any person employed requires certification as a teacher.

SECTION 6. That Section 33-1004G, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004G. EARLY RETIREMENT INCENTIVE -- ADMINISTRATIVE STAFF EXCLUDED.

(1) Except as provided in subsection (8) of this section, each certificated employee of an Idaho public school district as defined in section 33-1001(17-6), Idaho Code, is eligible for an early retirement incentive, provided they meet the following criteria:

(a) The employee has completed a minimum of ten (10) years of continuous full-time certified employment, which may include time spent on a sabbatical leave, in Idaho public school districts at the time of application.

(b) The employee is not eligible for unreduced service, early or disability retirement from the public employee retirement system of Idaho at the time of application.

(c) The employee is fifty-five (55) years old before September 1 of the year the application is made; provided that persons turning fifty-six (56) years old or greater between August 15 and 31, 2000, will be eligible to receive the retirement incentive option percentage provided in this section that reflects their age on August 15, 2000.

(d) The employee submits his/her application to the state superintendent of public instruction on or before April 1 of the year of application.

(e) The employee is contracted with an Idaho public school district for the entire school year during the year of application and has not been terminated or on a leave of absence for the current or upcoming school year.

(2) (a) Full-time qualifying applicants shall receive as a one (1) time incentive the following amount of the employee's qualifying salary allocation as provided in section 33-1004E, Idaho Code:

at 55 years of age	55% of allocation
at 56 years of age	50% of allocation
at 57 years of age	45% of allocation
at 58 years of age	40% of allocation
at 59 years of age	30% of allocation

1	at 60 years of age	30% of allocation
2	at 61 years of age	20% of allocation
3	at 62 years of age	20% of allocation
4	at 63 years of age and over	0% of allocation

5 (b) Certified employees working less than full-time in the application
6 year will have the incentive payment prorated according to their full-time
7 equivalent (FTE) percentage.

8 (c) Incentive payments for certified employees not placed on the experi-
9 ence and education multiplier table as provided in section 33-1004A, Idaho
10 Code, will be calculated using the BA column of the table.

11 (3) Incentives and the employer's share of FICA benefits shall be paid by
12 the state department of education to the Idaho public school district with
13 which the applicant was last contracted on or before July 31 of the year of
14 application and acceptance.

15 (4) Incentives shall be considered additional compensation flowing from
16 the employment relationship and subject to federal and state tax laws. Incen-
17 tives shall not be considered salary for purposes of the public employee
18 retirement system.

19 (5) Any employee receiving an early retirement incentive as provided in
20 this section shall not be eligible for future employment with an Idaho school
21 district where such employment would again qualify him/her for participation
22 in the state retirement system.

23 (6) Any applicant choosing to withdraw their application must notify the
24 state superintendent of public instruction in writing no later than June 20 in
25 the year of application.

26 (7) A special application of the early retirement incentive shall super-
27 sede the limitations of this section to the extent necessary to comply with
28 this subsection. An otherwise qualified certificated employee who becomes med-
29 ically unable to work prior to July 1 of any year shall be eligible to apply
30 for the early retirement incentive for which the employee would have been eli-
31 gible retroactive to April 1.

32 (8) Administrative staff shall not be allowed to participate in the early
33 retirement incentive program as provided in this section and such staff are
34 hereby excluded from participation in the program.

35 SECTION 7. That Section 33-1204, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-1204. VALIDITY, DURATION, RENEWAL AND LAPSE OF CERTIFICATES. The state
38 board of education shall by rule provide for the validity, duration, renewal
39 and lapse of certificates.

40 If the holder of a certificate who has undergone a criminal history check
41 pursuant to district policy as provided in subsection (15-) of section 33-512,
42 Idaho Code, is found to have been convicted of any felony crime enumerated in
43 section 33-1208, Idaho Code, the certificate shall be revoked or suspended as
44 provided in this chapter.

Fifty-eighth Legislature LEGISLATURE OF THE STATE OF IDAHO
Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 770, As Amended in the Senate, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1004, IDAHO CODE, TO
PROVIDE ADDITIONAL INSTRUCTIONAL STAFF ALLOWANCE FOR CERTAIN SEPARATE SEC-
ONDARY SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-1004, Idaho Code, be, and the same is hereby
amended to read as follows:

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance
shall be determined as follows:

(1-) Using the daily attendance reports that have been submitted for com-
puting the February 15th apportionment of state funds as provided in section
33-1009, Idaho Code, determine the total support units for the district in the
manner provided in section 33-1002 8.b., Idaho Code;

(2-) Determine the instructional staff allowance by multiplying the sup-
port units by 1.1. A district must demonstrate that it actually employs the
number of certificated instructional staff allowed. If the district does not
employ the number allowed, the staff allowance shall be reduced to the actual
number employed;

(3-) Determine the administrative staff allowance by multiplying the sup-
port units by .075;

(4-) Determine the classified staff allowance by multiplying the support
units by .375;

(5-) Additional conditions governing staff allowance:

(a-) In determining the number of staff in subsections (2-), (3-) and
(4-) of this section, a district may contract separately for services to
be rendered by nondistrict employees and such employees may be counted in
the staff allowance. A "nondistrict employee" means a person for whom the
school district does not pay the employer's obligations for employee bene-
fits. When a district contracts for the services of a nondistrict
employee, only the salary portion of the contract shall be allowable for
computations.

(b-) If there are circumstances preventing eligible use of staff allow-
ance to which a district is entitled as provided in subsections (2-) and
(3-) of this section, an appeal may be filed with the state department of
education outlining the reasons and proposed alternative use of these
funds, and a waiver may be granted.

(c-) For any district with less than forty (40) support units:

(i) The instructional staff allowance shall be calculated applying
the actual number of support units. If the actual instructional staff
employed in the school year is greater than the instructional staff
allowance, then the instructional staff allowance shall be increased
by one-half (1/2) staff allowance; and

(ii) The administrative staff allowance shall be calculated apply-

ing the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(3iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in paragraphs (4i) and (2ii) of this subsection, and by an additional one-half (1/2) instructional staff allowance.

(d-) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, administrative and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(6-) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature

LEGISLATURE OF THE STATE OF IDAHO

Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 778, As Amended

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602E, IDAHO CODE, TO PROVIDE FOR VALUATION OF PROPERTY USED PRIMARILY FOR NONPROFIT SCHOOL PURPOSES AND FOR BUSINESS PURPOSES FROM WHICH A REVENUE IS DERIVED; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-602E, Idaho Code, be, and the same is hereby amended to read as follows:

63-602E. PROPERTY EXEMPT FROM TAXATION -- PROPERTY USED FOR SCHOOL OR EDUCATIONAL PURPOSES. (1) The following property is exempt from taxation: all property used exclusively for nonprofit school or educational purposes, property used for charter school purposes, and all property from which no profit is derived and which is held or used exclusively for endowment, building or maintenance purposes of schools or educational institutions.

(2) If property is used primarily for nonprofit school purposes or charter school purposes and for business purposes from which a revenue is derived, which revenue is not related to the educational purpose for which the nonprofit school or charter school exists, the assessor shall determine the value of the entire property, of the part used for nonprofit school purposes or charter school purposes, and of the part used for such unrelated business purposes. The portion of the building used for nonprofit school purposes or charter school purposes and for business and administration of the nonprofit school or charter school shall be exempt from taxation.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2006.

HOUSE BILL NO. 781

AN ACT

Be It Enacted by the Legislature of the State of Idaho:

63-902. PROPERTY TAX NOTICE AND RECEIPTS -- DUTY OF TAX COLLECTOR. (1) For property on the property roll or operating property roll, the county tax collector must, prior to the fourth Monday of November in each year, mail to every taxpayer, or to his agent or representative, at his last known post-office address, a tax notice prepared upon forms prescribed in section 63-219, Idaho Code, which shall contain at least the following:

- 57

1 sheets are available to the public.

2 (4) Levy sheets shall list the total property tax levy for each taxing
3 district or taxing jurisdiction and the total in each tax code area.

4 (5) If the taxpayer is one other than the equitable titleholder, such as
5 an escrowee, trustee of trust deed or other third party, the taxpayer shall
6 deliver to the equitable titleholder a statement of the total amount of prop-
7 erty taxes billed, on or before the second Monday of December.

8 (6) The tax collector in each county of the state is authorized to
9 destroy all duplicate property tax receipts and microfilm of tax receipts on
10 file in his office as they reach ten (10) years old. Property tax receipts may
11 be destroyed if information has been replicated in other storage media.

12 (7) Computer and data processing routines for completion of all phases of
13 the property tax roll procedures may be utilized with the responsibility for
14 completion of each office's statutory duties to remain under the supervision
15 of that office. Wherever the designation "property roll" appears within title
16 63, data processing or computer procedures and forms may be substituted as
17 permanent records.

18 (8) The county tax collector must, as soon as possible after the subse-
19 quent or missed property roll is delivered to him from the county auditor,
20 mail a notice to every taxpayer listed on the subsequent or missed property
21 roll, or to his agent or representative. The notice shall conform as nearly as
22 possible to the notice required for property listed on the property roll.

23 (9) Failure to mail such property tax notice, or receipt of said notice
24 by the taxpayer, shall not invalidate the property taxes, or any proceedings
25 in the collection of property taxes, or any proceedings in the foreclosure of
26 property tax liens.

27 (10) No charge, other than property taxes, shall be included on a tax
28 notice unless the entity placing such charge has received approval from the
29 board of county commissioners to place such charge on the tax notice and such
30 entity:

31 (a) Has the authority by law to place a lien on property; and

32 (b) Has the authority to certify such charge to the auditor; and

33 (c) Is required to collect such charge in the same manner provided by law
34 for the collection of real and personal property taxes.

35 SECTION 2. That Section 63-906, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 63-906. INTERIM PAYMENT ACCOUNT -- RECEIPT FOR DEPOSITS. Any person, upon
38 application to the tax collector, may establish a payment schedule to allow
39 payments including, but not limited to, monthly or quarterly, in amounts of at
40 least twenty-five dollars (\$25.00) or the balance owing, to be accumulated
41 toward the payment of current or future real or personal property taxes.

42 (1) The tax collector shall issue a numbered receipt consisting of:

43 (a) Date deposited;

44 (b) Name and address of person making deposit;

45 (c) The amount of payment; and

46 (d) Account identification number or parcel number or legal description.

47 (2) The county shall pay no interest on any interim payment receipts, and
48 the amount so deposited cannot be withdrawn by the depositor. Such receipts
49 shall not invalidate any proceedings in the collection of property taxes, or
50 in the issuance of any delinquency or any proceedings in the foreclosure of
51 tax liens.

52 (3) The payment shall be posted to the roll when the current property tax
53 becomes due.

1 (4) The tax collector may return to the depositor any moneys deposited in
2 excess of the amount necessary to satisfy the tax lien if the payment schedule
3 is not maintained.

4 (5) The tax collector shall be held accountable for all moneys received
5 under this subsection and shall be liable on his official bond for the custody
6 and safekeeping of such moneys, except as to what may be on deposit in desig-
7 nated depositories under the provisions of the public depository law, which is
8 hereby made applicable to such deposits.

HOUSE BILL NO. 866

AN ACT

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The State Controller shall transfer \$10,000,000 from the General Fund to the Public Education Stabilization Fund, by no later than February 1, 2007.

FISCAL NOTE

	FY 2006 Approp.	FY 2007 Approp.	Div. of Teachers
I. STATE APPROPRIATION			
A. Sources of Funds			
1. General Fund	\$987,110,000	\$1,035,441,300	\$685,364,900
2. Dedicated Funds	\$45,232,800	\$34,143,900	\$0
3. Federal Funds	\$165,000,000	\$175,000,000	\$57,541,500
4. TOTAL STATE APPROPRIATIONS	\$1,197,342,800	\$1,244,585,200	\$742,906,400
General Fund Percent Change:	2.3%	Facilities pending	6.1%
Total Funds Percent Change:	2.7%	Facilities pending	6.1%
II. PROGRAM DISTRIBUTION			
A. Statutory Requirements			
1. Property Tax Replacement	\$75,000,000	\$75,000,000	\$0
2. Transportation	\$60,521,600	\$64,316,700	\$0
3. Border Contracts	\$800,000	\$800,000	\$0
4. Exceptional Contracts/Tuition Equivalents	\$5,750,000	\$5,750,000	\$0
5. Floor	\$395,500	\$0	\$0
6. Program Adjustments	\$400,000	\$435,000	\$0
7. Salary-based Apportionment	\$697,958,200	\$740,842,100	\$575,747,100
8. Teacher Incentive Award	\$696,400	\$313,200	\$313,200
9. State Paid Employee Benefits	\$126,161,700	\$133,897,900	\$104,054,600
10. Early Retirement Program	\$4,600,000	\$4,750,000	\$4,750,000
11. Bond Levy Equalization	\$4,527,500	\$0	\$0
12. Idaho Safe & Drug-Free Schools	\$4,700,000	\$5,500,000	\$0
13. Sub-total -- Statutory Requirements	\$981,510,900	\$1,031,604,900	\$684,864,900
B. Other Program Distributions			
1. Technology & Remediation	\$9,500,000	\$9,800,000	\$0
2. Idaho Reading Initiative	\$2,800,000	\$2,800,000	\$0
3. Limited English Proficiency (LEP)	\$5,060,000	\$6,040,000	\$0
4. Gifted & Talented	\$500,000	\$500,000	\$500,000
5. Idaho Digital Learning Academy	\$900,000	\$1,100,000	\$0
6. School Facilities Funding (Lottery)	\$8,922,500	\$0	\$0
7. Federal Funds for Local School Districts	\$165,000,000	\$175,000,000	\$57,541,500
8. Sub-total -- Other Program Distributions	\$192,682,500	\$195,240,000	\$58,041,500
TOTAL CATEGORICAL EXPENDITURES	\$1,174,193,400	\$1,226,844,900	\$742,906,400
III. EDUCATION STABILIZATION FUNDS	\$0	\$0	
IV. STATE DISCRETIONARY FUNDS	\$23,149,400	\$17,740,300	
V. ESTIMATED SUPPORT UNITS	13,150	13,500	
VI. STATE DISCRETIONARY \$ PER SUPPORT UNIT	\$1,760	\$1,314	
VII. LOCAL DISCRETIONARY \$ PER SUPPORT UNIT	\$22,935	\$24,122	
VIII. TOTAL DISCRETIONARY \$ PER SUPPORT UNIT	\$24,695	\$25,436	

Contact: Jason Hancock
 Legislative Services Office
 Budget and Policy Analysis
 Telephone: 334-3531

BY APPROPRIATIONS COMMITTEE

Code.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$500,000 shall be distributed to train general education teachers, gifted/talented (G/T) facilitators, administrators and/or parents to better meet the needs of gifted/talented students. One-half (1/2) of these funds shall be allocated pro rata based on each district's prior year total student enrollment compared to the prior year total statewide enrollment. One-half (1/2) of these funds shall be allocated based on the number of gifted/talented students identified and served as indicated on the prior year's December 1 child count. The number of gifted/talented students identified for purposes of this section shall not exceed seven percent (7%) of the district's total student enrollment. No district shall receive less than \$500. Funds shall be distributed upon submission and approval of an application submitted to the State Department of Education demonstrating how in-service training will establish or improve identification and service of gifted/talented students in the five (5) mandated talent areas. The Superintendent of Public Instruction may reallocate any gifted/talented funds that are left unrequested by school districts to all other school districts that have requested gifted/talented funds, according to the distribution formula outlined in this section.

SECTION 7. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of ~~\$23,210~~\$23,906. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004 2., Idaho Code. The instructional salary allocation shall be increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than ~~\$27,500~~\$30,000. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing

1 all eligible certificated administrative employees on the statewide index pro-
2 vided in section 33-1004A, Idaho Code. The resulting average is the district
3 index. Districts with an index above the state average index shall receive
4 their actual index but not more than the state average plus .03 for the school
5 year 1994-95, and shall receive their actual index but not more than the state
6 average index plus .06 for the 1995-96 school year, and thereafter shall
7 receive their actual district index. The district administrative staff index
8 shall be multiplied by the base salary of \$33,760. The amount so determined
9 shall be multiplied by the district staff allowance for administrative staff
10 determined as provided in section 33-1004 3., Idaho Code. The resulting amount
11 is the district's salary-based apportionment for administrative staff.

12 3. To determine the apportionment for classified staff, multiply \$18,648
13 by the district classified staff allowance determined as provided in section
14 33-1004 4., Idaho Code. The amount so determined is the district's appor-
15 tionment for classified staff.

16 4. The district's salary-based apportionment shall be the sum of the
17 apportionments calculated in subsections 1., 2. and 3., of this section, plus
18 the benefit apportionment as provided in section 33-1004F, Idaho Code.

FISCAL NOTE

	FY 2006 Approp.	FY 2007 Approp.	Div. of Operations
I. STATE APPROPRIATION			
A. Sources of Funds			
1. General Fund	\$987,110,000	\$1,035,441,300	\$253,450,400
2. Dedicated Funds	\$45,232,800	\$34,143,900	\$28,643,900
3. Federal Funds	\$165,000,000	\$175,000,000	\$5,887,200
4. TOTAL STATE APPROPRIATIONS	\$1,197,342,800	\$1,244,585,200	\$287,981,500
General Fund Percent Change:	2.3%	Facilities pending	1.2%
Total Funds Percent Change:	2.7%	Facilities pending	1.7%
II. PROGRAM DISTRIBUTION			
A. Statutory Requirements			
1. Property Tax Replacement	\$75,000,000	\$75,000,000	\$75,000,000
2. Transportation	\$60,521,600	\$64,316,700	\$64,316,700
3. Border Contracts	\$800,000	\$800,000	\$0
4. Exceptional Contracts/Tuition Equivalents	\$5,750,000	\$5,750,000	\$0
5. Floor	\$395,500	\$0	\$0
6. Program Adjustments	\$400,000	\$435,000	\$0
7. Salary-based Apportionment	\$697,958,200	\$740,842,100	\$97,595,600
8. Teacher Incentive Award	\$696,400	\$313,200	\$0
9. State Paid Employee Benefits	\$126,161,700	\$133,897,900	\$17,641,700
10. Early Retirement Program	\$4,600,000	\$4,750,000	\$0
11. Bond Levy Equalization	\$4,527,500	\$0	\$0
12. Idaho Safe & Drug-Free Schools	\$4,700,000	\$5,500,000	\$0
13. Sub-total -- Statutory Requirements	\$981,510,900	\$1,031,604,900	\$254,554,000
B. Other Program Distributions			
1. Technology & Remediation	\$9,500,000	\$9,800,000	\$9,800,000
2. Idaho Reading Initiative	\$2,800,000	\$2,800,000	\$0
3. Limited English Proficiency (LEP)	\$5,060,000	\$6,040,000	\$0
4. Gifted & Talented	\$500,000	\$500,000	\$0
5. Idaho Digital Learning Academy	\$900,000	\$1,100,000	\$0
6. School Facilities Funding (Lottery)	\$8,922,500	\$0	\$0
7. Federal Funds for Local School Districts	\$165,000,000	\$175,000,000	\$5,887,200
8. Sub-total -- Other Program Distributions	\$192,682,500	\$195,240,000	\$15,687,200
TOTAL CATEGORICAL EXPENDITURES	\$1,174,193,400	\$1,226,844,900	\$270,241,200
III. EDUCATION STABILIZATION FUNDS	\$0	\$0	\$0
IV. STATE DISCRETIONARY FUNDS	\$23,149,400	\$17,740,300	\$17,740,300
V. ESTIMATED SUPPORT UNITS	13,150	13,500	13,500
VI. STATE DISCRETIONARY \$ PER SUPPORT UNIT	\$1,760	\$1,314	\$1,314
VII. LOCAL DISCRETIONARY \$ PER SUPPORT UNIT	\$22,935	\$24,122	\$24,122
VIII. TOTAL DISCRETIONARY \$ PER SUPPORT UNIT	\$24,695	\$25,436	\$25,436

Contact: Jason Hancock
 Legislative Services Office
 Budget and Policy Analysis
 Telephone: 334-3531

H 846

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 846

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS FOR FISCAL YEAR 2007; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2007; DIRECTING THAT \$9,800,000 BE EXPENDED FOR TECHNOLOGY AND REMEDIATION PROGRAMS; APPROPRIATING THE AMOUNT OF GENERAL FUND MONEY NECESSARY AS DETERMINED BY SECTION 33-1002D, IDAHO CODE, FOR PROPERTY TAX REPLACEMENT; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE THE LOCAL DISTRICTS' CONTRIBUTION CALCULATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A BASE SALARY INCREASE FOR CLASSIFIED STAFF; PROVIDING FOR THE TRANSFER OF FUNDS TO THE PUBLIC EDUCATION STABILIZATION FUND; AND DECLARING AN EMERGENCY FOR SECTION 9 OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The following amount shall be expended from state sources for the Public Schools Division of Operations for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	\$253,450,400
Public School Endowment Earnings Reserve Fund Transfer	24,648,200
Federal Mineral Royalties	1,500,000
Liquor Control Fund	1,200,000
Miscellaneous Receipts/Balances	1,295,700
Federal Grant Fund	5,887,200
TOTAL	\$287,981,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	\$253,450,400
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SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Operations, pursuant to law and the provisions of this act, the following amounts to be expended from the listed funds for the period July 1, 2006, through June 30, 2007:

FROM:

Public School Income Fund	\$282,094,300
Federal Grant Fund	5,887,200
TOTAL	\$287,981,500

SECTION 4. Of the moneys appropriated in Section 3 of this act,

1 \$9,800,000 shall be expended by the Superintendent of Public Instruction as
2 follows:

3 (1) The Idaho Council for Technology in Learning shall distribute
4 \$4,050,000 for ongoing school district technology expenditures, through
5 the Public School Technology Grant Program, pursuant to Section 33-4806,
6 Idaho Code. Such expenditures may include the personnel costs associated
7 with school district information technology staff support. Of this amount,
8 up to \$160,000 may be expended by the Superintendent of Public Instruction
9 for staff support and various expenses related to the Idaho Council for
10 Technology in Learning, as approved by the State Board of Education;

11 (2) The Superintendent of Public Instruction shall transfer \$650,000 to
12 the Library Services Improvement Fund for ongoing costs associated with
13 the State Library's "Libraries Linking Idaho" (LiLI) projects;

14 (3) The Superintendent of Public Instruction shall distribute \$5,100,000
15 to school districts in a like manner as equalized, ongoing state discre-
16 tionary funds, with seventy-five percent (75%) of such funds being dis-
17 tributed by August 31, and twenty-five percent (25%) of such funds in the
18 final payment of the fiscal year. Such funds shall be expended, at the
19 discretion of the school district board of trustees, on either purchasing
20 technology equipment and software, or defraying costs associated with pro-
21 viding remedial instruction for students that fail to attain proficiency
22 in one (1) or more sections of the Idaho Standards Achievement Test, or
23 both. The Superintendent of Public Instruction shall submit a report on
24 the usage of such funds to the Joint Finance-Appropriations Committee, the
25 House Education Committee and the Senate Education Committee by February
26 1, 2007.

27 SECTION 5. Of the moneys appropriated in Section 3 of this act, there is
28 hereby appropriated the amount necessary for property tax replacement, subject
29 to the limitations of law, to be expended according to Section 33-1002D, Idaho
30 Code, for the period July 1, 2006, through June 30, 2007.

31 SECTION 6. Pursuant to the provisions of Section 33-1018, Idaho Code, it
32 is estimated that the appropriation of state funds to the Educational Support
33 Program/Division of Operations will result in total discretionary funds of
34 \$25,436 per support unit.

35 SECTION 7. That Section 33-1002, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is
38 calculated as follows:

39 1. State Educational Support Funds. Add the state appropriation, includ-
40 ing the moneys available in the public school income fund, together with all
41 miscellaneous revenues to determine the total state funds.

42 2. From the total state funds subtract the following amounts needed for
43 state support of special programs provided by a school district:

44 a. Pupil tuition-equivalency allowances as provided in section 33-1002B,
45 Idaho Code;

46 b. Transportation support program as provided in section 33-1006, Idaho
47 Code;

48 c. Feasibility studies allowance as provided in section 33-1007A, Idaho
49 Code;

50 d. The approved costs for border district allowance, provided in section
51 33-1403, Idaho Code, as determined by the state superintendent of public

- 1 instruction;
- 2 e. The approved costs for exceptional child approved contract allowance,
- 3 provided in subsection 2. of section 33-2004, Idaho Code, as determined by
- 4 the state superintendent of public instruction;
- 5 f. Certain expectant and delivered mothers allowance as provided in sec-
- 6 tion 33-2006, Idaho Code;
- 7 g. Salary-based apportionment calculated as provided in sections 33-1004
- 8 through 33-1004F, Idaho Code;
- 9 h. Unemployment insurance benefit payments according to the provisions of
- 10 section 72-1349A, Idaho Code;
- 11 i. For expenditure as provided by the public school technology program;
- 12 j. For the support of provisions that provide a safe environment condu-
- 13 cive to student learning and maintain classroom discipline, an allocation
- 14 of \$300 per support unit; and
- 15 k. Any additional amounts as required by statute to effect administrative
- 16 adjustments or as specifically required by the provisions of any bill of
- 17 appropriation;
- 18 to secure the state educational support funds.

19 3. Local Districts' Contribution Calculation. Without including any

20 allowance as a credit for prepaid taxes as provided by section 63-1607, Idaho

21 Code, the local districts' contribution shall be the amount appropriated pur-

22 suant to section 33-1002D, Idaho Code, plus three-tenths percent (.3%) during

23 fiscal year 2003-04 and each year thereafter, of the total state adjusted mar-

24 ket value for assessment purposes for the previous year with such value being

25 determined by the provisions of section 63-315, Idaho Code, and four-tenths

26 percent (.4%) during fiscal year 1994-95 and each year thereafter, of the

27 cooperative electrical associations' property values that have been derived

28 from the taxes paid in lieu of ad-valorem property taxes for the previous year

29 as provided in section 63-3502, Idaho Code, less any maintenance and opera-

30 tions levy funds credited as a reduction against state funds provided for stu-

31 dents attending school in another state.

32 4. Educational Support Program Distribution Funds. Add the local dis-

33 tricts' contribution, subsection 3. of this section, and the state educational

34 support program funds, subsection 1. of this section, together to secure the

35 total educational support program distribution funds.

36 5. Average Daily Attendance. The total state average daily attendance

37 shall be the sum of the average daily attendance of all of the school dis-

38 tricts of the state. The state board of education shall establish rules set-

39 ting forth the procedure to determine average daily attendance and the time

40 for, and method of, submission of such report. Average daily attendance calcu-

41 lation shall be carried out to the nearest hundredth. Computation of average

42 daily attendance shall also be governed by the provisions of section 33-1003A,

43 Idaho Code.

44 6. Support Units. The total state support units shall be determined by

45 using the tables set out hereafter called computation of kindergarten support

46 units, computation of elementary support units, computation of secondary sup-

47 port units, computation of exceptional education support units, and computa-

48 tion of alternative school secondary support units. The sum of all of the

49 total support units of all school districts of the state shall be the total

50 state support units.

51 COMPUTATION OF KINDERGARTEN SUPPORT UNITS

52 Average Daily		
53 Attendance	Attendance Divisor	Units Allowed
54 41 or more	40.....	1 or more as computed
55 31 - 40.99 ADA....	-.....	1

1	26 - 30.99 ADA....	-.....	.85
2	21 - 25.99 ADA....	-.....	.75
3	16 - 20.99 ADA....	-.....	.6
4	8 - 15.99 ADA....	-.....	.5
5	1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

6	COMPUTATION OF ELEMENTARY SUPPORT UNITS		
7	Average Daily		
8	Attendance	Attendance Divisor	Minimum Units Allowed
9	300 or more ADA.....		15
10	..23...grades 4,5 & 6....		
11	..22...grades 1,2 & 3....1994-95		
12	..21...grades 1,2 & 3....1995-96		
13	..20...grades 1,2 & 3....1996-97		
14	and each year thereafter.		
15	160 to 299.99 ADA... 20.....		8.4
16	110 to 159.99 ADA... 19.....		6.8
17	71.1 to 109.99 ADA... 16.....		4.7
18	51.7 to 71.0 ADA... 15.....		4.0
19	33.6 to 51.6 ADA... 13.....		2.8
20	16.6 to 33.5 ADA... 12.....		1.4
21	1.0 to 16.5 ADA... n/a.....		1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

22	COMPUTATION OF SECONDARY SUPPORT UNITS		
23	Average Daily		
24	Attendance	Attendance Divisor	Minimum Units Allowed
25	750 or more	18.5.....	47
26	400 - 749.99 ADA....	16.....	28
27	300 - 399.99 ADA....	14.5.....	22
28	200 - 299.99 ADA....	13.5.....	17
29	100 - 199.99 ADA....	12.....	9
30	99.99 or fewer	Units allowed as follows:	
31	Grades 7-12		8
32	Grades 9-12		6
33	Grades 7- 9		1 per 14 ADA
34	Grades 7- 8		1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

35	COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS		
36	Average Daily		
37	Attendance	Attendance Divisor	Minimum Units Allowed
38	14 or more	14.5.....	1 or more as computed
39	12 - 13.99....	-.....	1
40	8 - 11.99....	-.....	.75
41	4 - 7.99....	-.....	.5
42	1 - 3.99....	-.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

43	COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS		
44	Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
45	12 or more.....	12.....	1 or more as computed

46 In applying these tables to any given separate attendance unit, no school
 47 district shall receive less total money than it would receive if it had a
 48 lesser average daily attendance in such separate attendance unit. In applying
 49 the kindergarten table to a kindergarten program of less days than a full
 50 school year, the support unit allowance shall be in ratio to the number of

days of a full school year. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

7. State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection 2. of this section, by the total state support units to secure the state distribution factor per support unit.

8. District Share of State Funds for Educational Support Program. Ascertain a district's share of state funds for the educational support program as follows:

a. District Contribution Calculation. Without including any allowance as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, the district contribution calculation shall be the rate determined under subsection 3. of this section.

b. District Support Units. The number of support units for each school district in the state shall be determined as follows:

(1) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(2) Divide the combined totals of the average daily attendance of all preschool, handicapped, kindergarten, elementary, secondary and juvenile detention center students approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(3) The total number of support units of the district shall be the sum of the total support units for regular students, subsection 8.b.(1) of this section, and the support units allowance for the approved exceptional child program, subsection 8.b.(2) of this section.

c. Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection 2. of this section to secure the district's total allowance for the educational support program.

d. District Share. To secure the district's share of state apportionment, subtract the amount of the local district contribution calculation, subsection 3. of this section, from the amount of the total district allowance, subsection 8.c. of this section.

e. Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated

1 from the provisions of subsection 8.d. of this section.

2 SECTION 8. That Section 33-1004E, Idaho Code, be, and the same is hereby
3 amended to read as follows:

4 33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be
5 entitled to a salary-based apportionment calculated as provided in this sec-
6 tion.

7 1. To determine the apportionment for instructional staff, first deter-
8 mine the district average experience and education index by placing all eligi-
9 ble district certificated instructional employees on the statewide index pro-
10 vided in section 33-1004A, Idaho Code. The resulting average is the district
11 index. Districts with an index above the state average index shall receive
12 their actual index but not more than the state average plus .03 for the
13 1994-95 school year, and shall receive their actual index but not more than
14 the state average plus .06 for the 1995-96 school year, and thereafter shall
15 receive their actual district index. The district instructional staff index
16 shall be multiplied by the instructional base salary of \$23,210. The amount so
17 determined shall be multiplied by the district staff allowance for instruc-
18 tional staff determined as provided in section 33-1004 2., Idaho Code. The
19 instructional salary allocation shall be increased by the amount necessary for
20 each full-time equivalent instructional staff member placed on the experience
21 and education index to be allocated at least the minimum salary mandated by
22 this section. Full-time instructional staff salaries shall be determined from
23 a salary schedule developed by each district and submitted to the state
24 department of education. No full-time instructional staff member shall be paid
25 less than \$27,500. If an instructional staff member has been certified by the
26 national board for professional teaching standards, the staff member shall be
27 designated as a master teacher and receive \$2,000 per year for five (5) years.
28 The instructional salary shall be increased by \$2,000 for each master teacher.
29 The resulting amount is the district's salary-based apportionment for instruc-
30 tional staff. For purposes of this section, teachers qualifying for the salary
31 increase as master teacher shall be those who have been recognized as national
32 board certified teachers as of July 1 of each year.

33 2. To determine the apportionment for district administrative staff,
34 first determine the district average experience and education index by placing
35 all eligible certificated administrative employees on the statewide index pro-
36 vided in section 33-1004A, Idaho Code. The resulting average is the district
37 index. Districts with an index above the state average index shall receive
38 their actual index but not more than the state average plus .03 for the school
39 year 1994-95, and shall receive their actual index but not more than the state
40 average index plus .06 for the 1995-96 school year, and thereafter shall
41 receive their actual district index. The district administrative staff index
42 shall be multiplied by the base salary of \$33,760. The amount so determined
43 shall be multiplied by the district staff allowance for administrative staff
44 determined as provided in section 33-1004 3., Idaho Code. The resulting amount
45 is the district's salary-based apportionment for administrative staff.

46 3. To determine the apportionment for classified staff, multiply
47 ~~\$18,648~~19,207 by the district classified staff allowance determined as pro-
48 vided in section 33-1004 4., Idaho Code. The amount so determined is the
49 district's apportionment for classified staff.

50 4. The district's salary-based apportionment shall be the sum of the
51 apportionments calculated in subsections 1., 2. and 3., of this section, plus
52 the benefit apportionment as provided in section 33-1004F, Idaho Code.

1 SECTION 9. The State Controller shall transfer \$5,000,000 from the Gen-
2 eral Fund to the Public Education Stabilization Fund.

3 SECTION 10. An emergency existing therefor, which emergency is hereby
4 declared to exist, Section 9 of this act shall be in full force and effect on
5 and after its passage and approval.

FISCAL NOTE

	FY 2006 Approp.	FY 2007 Approp.	Div. of Children's Programs
I. STATE APPROPRIATION			
A. Sources of Funds			
1. General Fund	\$987,110,000	\$1,035,441,300	\$16,925,000
2. Dedicated Funds	\$45,232,800	\$34,143,900	\$5,500,000
3. Federal Funds	\$165,000,000	\$175,000,000	\$109,821,100
4. TOTAL STATE APPROPRIATIONS	\$1,197,342,800	\$1,244,585,200	\$132,246,100
General Fund Percent Change:	2.3%	Facilities pending	7.7%
Total Funds Percent Change:	2.7%	Facilities pending	6.7%
II. PROGRAM DISTRIBUTION			
A. Statutory Requirements			
1. Property Tax Replacement	\$75,000,000	\$75,000,000	\$0
2. Transportation	\$60,521,600	\$64,316,700	\$0
3. Border Contracts	\$800,000	\$800,000	\$800,000
4. Exceptional Contracts/Tuition Equivalents	\$5,750,000	\$5,750,000	\$5,750,000
5. Floor	\$395,500	\$0	\$0
6. Program Adjustments	\$400,000	\$435,000	\$435,000
7. Salary-based Apportionment	\$697,958,200	\$740,842,100	\$0
8. Teacher Incentive Award	\$696,400	\$313,200	\$0
9. State Paid Employee Benefits	\$126,161,700	\$133,897,900	\$0
10. Early Retirement Program	\$4,600,000	\$4,750,000	\$0
11. Bond Levy Equalization	\$4,527,500	\$0	\$0
12. Idaho Safe & Drug-Free Schools	\$4,700,000	\$5,500,000	\$5,500,000
13. Sub-total -- Statutory Requirements	\$981,510,900	\$1,031,604,900	\$12,485,000
B. Other Program Distributions			
1. Technology & Remediation	\$9,500,000	\$9,800,000	\$0
2. Idaho Reading Initiative	\$2,800,000	\$2,800,000	\$2,800,000
3. Limited English Proficiency (LEP)	\$5,060,000	\$6,040,000	\$6,040,000
4. Gifted & Talented	\$500,000	\$500,000	\$0
5. Idaho Digital Learning Academy	\$900,000	\$1,100,000	\$1,100,000
6. School Facilities Funding (Lottery)	\$8,922,500	\$0	\$0
7. Federal Funds for Local School Districts	\$165,000,000	\$175,000,000	\$109,821,100
8. Sub-total -- Other Program Distributions	\$192,682,500	\$195,240,000	\$119,761,100
TOTAL CATEGORICAL EXPENDITURES	\$1,174,193,400	\$1,226,844,900	\$132,246,100
III. EDUCATION STABILIZATION FUNDS	\$0	\$0	
IV. STATE DISCRETIONARY FUNDS	\$23,149,400	\$17,740,300	
V. ESTIMATED SUPPORT UNITS	13,150	13,500	
VI. STATE DISCRETIONARY \$ PER SUPPORT UNIT	\$1,760	\$1,314	
VII. LOCAL DISCRETIONARY \$ PER SUPPORT UNIT	\$22,935	\$24,122	
VIII. TOTAL DISCRETIONARY \$ PER SUPPORT UNIT	\$24,695	\$25,436	

Contact: Jason Hancock
 Legislative Services Office
 Budget and Policy Analysis
 Telephone: 334-3531

H 847

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 847

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF CHILDREN'S PROGRAMS; PROVIDING A DESCRIPTION OF THE PUBLIC SCHOOLS DIVISION OF CHILDREN'S PROGRAMS AND PROVIDING THE AMOUNTS TO BE EXPENDED; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2007; DIRECTING THAT \$5,500,000 OF THE MONEYS ACCRUING PURSUANT TO SECTIONS 63-2506 AND 63-2552A, IDAHO CODE, AND SUCH OTHER MONEYS WHICH MAY BECOME AVAILABLE PURSUANT TO SECTION 63-7439, IDAHO CODE, BE EXPENDED FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE DISTRIBUTION OF FUNDS FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FEATURES OF THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THAT \$2,800,000 BE USED FOR THE LITERACY PROGRAMS AND EXPRESSING LEGISLATIVE INTENT THAT THE STATE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION COORDINATE CERTAIN PROGRAMS; DIRECTING THAT \$6,040,000 BE ALLOCATED FOR PROGRAMS FOR STUDENTS WITH NON-ENGLISH OR LIMITED-ENGLISH PROFICIENCY; DIRECTING THAT \$1,100,080 BE DISTRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AND GRANTING AUTHORITY TO TRANSFER FUNDS BETWEEN THE FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM BUDGET.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The Public Schools Division of Children's Programs includes programs that provide direct educational or material benefits to children, where funding does not primarily go to paying certificated teachers and administrators. It also includes programs that primarily and specifically provide funding for the separate instruction of identified subgroups of children outside the normal classroom of an Idaho public school. The following amount shall be expended from the listed sources for the Public Schools Division of Children's Programs for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	\$ 16,925,000
Cigarette/Tobacco and Lottery Income Taxes	5,500,000
Federal Grant Fund	<u>109,821,100</u>
TOTAL	\$132,246,100

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	\$16,925,000
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SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Children's Programs, pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the

period July 1, 2006, through June 30, 2007:

FROM:

Public School Income Fund	\$ 22,425,000
Federal Grant Fund	<u>109,821,100</u>
TOTAL	\$132,246,100

SECTION 4. Of the moneys appropriated in Section 3 of this act, \$5,500,000 shall be expended by the Superintendent of Public Instruction for the Idaho Safe and Drug-Free Schools Program, from funds determined by available revenues accruing pursuant to Sections 63-2506 and 63-2552A, Idaho Code, and other such moneys which may become available pursuant to Section 67-7439, Idaho Code, for the period July 1, 2006, through June 30, 2007.

SECTION 5. The funds allocated for the Idaho Safe and Drug-Free Schools Program in Section 4 of this act shall be distributed as follows: the provisions of Section 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall be remitted to the Idaho State Police; \$100,000 may be utilized by the Superintendent of Public Instruction for program administration, technical assistance and evaluation. Of the remaining amount, ninety-two percent (92%) shall be distributed to each school district through a combination of a base amount of \$1,500 and a prorated amount based on the prior year's average daily attendance. Such funds shall be used either to fund Idaho Safe and Drug-Free Schools Programs or to defray the costs of community resource workers, or both, at the discretion of the school district board of trustees. The remaining eight percent (8%), shall be used to make discretionary grants as determined by the Idaho Safe and Drug-Free Schools and Communities Advisory Board, including up to \$80,000 in subgrants that may be authorized to the Commission on Hispanic Affairs.

SECTION 6. It is legislative intent that the Idaho Safe and Drug-Free Schools Program shall include the following:

- (1) Districts will develop a policy and plan which will provide a guide for their substance abuse programs.
- (2) Districts will have an advisory board to assist each district in making decisions relating to the programs.
- (3) The districts' substance abuse programs will be comprehensive to meet the needs of all students. This will include prevention programs, student assistance programs that address early identification and referral, and aftercare.
- (4) Districts shall submit an annual evaluation of their programs to the State Department of Education as to the effectiveness of their programs.

SECTION 7. Of the moneys appropriated in Section 3 of this act, \$2,800,000 shall be used for literacy programs, as outlined in Sections 33-1614, 33-1615 and 33-1207A(2), Idaho Code. It is legislative intent that the State Board of Education and the State Department of Education coordinate federally funded literacy programs with state literacy programs, resulting in well-coordinated, complementary literacy efforts.

SECTION 8. Of the moneys appropriated in Section 3 of this act, \$6,040,000 shall be distributed for support of programs for students with non-English or limited-English proficiency, as follows:

- (1) The State Department of Education shall distribute \$5,290,000 to school districts pro rata, based upon the population of limited-English proficient students under criteria established by the department.

(2) The State Department of Education shall distribute \$750,000 to schools in which the population of English language learners failed to meet Adequate Yearly Progress (AYP) in math or reading, as defined in federal law. The department shall develop the program elements governing the use of these funds, modeled on the training, intervention and remediation elements of the program described in Section 7 of this act. The purpose of these funds is to improve the English language skills of English language learners, to enable such students to better access the educational opportunities offered in public schools. Such funds shall be distributed on a one-time basis, and the Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House of Representatives and the Senate Education Committees, by no later than February 1, 2007, on the program design, uses of funds, and effectiveness of the program.

SECTION 9. Of the moneys appropriated in Section 3 of this act, \$1,100,000 shall be distributed to the Idaho Digital Learning Academy, created pursuant to Chapter 55, Title 33, Idaho Code, as follows:

(1) \$200,000 shall be utilized to reduce or eliminate tuition charged by the Idaho Digital Learning Academy to Idaho students. Any funds remaining after the elimination of such tuition charges shall be utilized to provide advanced placement coursework.

(2) Of the remaining \$900,000, the highest priority shall be to provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of the Idaho Standards Achievement Test. Funds may also be used to provide basic coursework, advanced placement coursework, and other specialized coursework not available in many small school districts.

SECTION 10. The State Department of Education is hereby granted the authority to transfer funds between the five (5) divisions of the Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code.

FISCAL NOTE

	FY 2006 Approp.	FY 2007 Approp.	Div. of Administrators
I. STATE APPROPRIATION			
A. Sources of Funds			
1. General Fund	\$987,110,000	\$1,035,441,300	\$79,701,000
2. Dedicated Funds	\$45,232,800	\$34,143,900	\$0
3. Federal Funds	\$165,000,000	\$175,000,000	\$1,750,200
4. TOTAL STATE APPROPRIATIONS	\$1,197,342,800	\$1,244,585,200	\$81,451,200
General Fund Percent Change:	2.3%	Facilities pending	6.0%
Total Funds Percent Change:	2.7%	Facilities pending	6.0%
II. PROGRAM DISTRIBUTION			
A. Statutory Requirements			
1. Property Tax Replacement	\$75,000,000	\$75,000,000	\$0
2. Transportation	\$60,521,600	\$64,316,700	\$0
3. Border Contracts	\$800,000	\$800,000	\$0
4. Exceptional Contracts/Tuition Equivalents	\$5,750,000	\$5,750,000	\$0
5. Floor	\$395,500	\$0	\$0
6. Program Adjustments	\$400,000	\$435,000	\$0
7. Salary-based Apportionment	\$697,958,200	\$740,842,100	\$67,499,400
8. Teacher Incentive Award	\$696,400	\$313,200	\$0
9. State Paid Employee Benefits	\$126,161,700	\$133,897,900	\$12,201,600
10. Early Retirement Program	\$4,600,000	\$4,750,000	\$0
11. Bond Levy Equalization	\$4,527,500	\$0	\$0
12. Idaho Safe & Drug-Free Schools	\$4,700,000	\$5,500,000	\$0
13. Sub-total -- Statutory Requirements	\$981,510,900	\$1,031,604,900	\$79,701,000
B. Other Program Distributions			
1. Technology & Remediation	\$9,500,000	\$9,800,000	\$0
2. Idaho Reading Initiative	\$2,800,000	\$2,800,000	\$0
3. Limited English Proficiency (LEP)	\$5,060,000	\$6,040,000	\$0
4. Gifted & Talented	\$500,000	\$500,000	\$0
5. Idaho Digital Learning Academy	\$900,000	\$1,100,000	\$0
6. School Facilities Funding (Lottery)	\$8,922,500	\$0	\$0
7. Federal Funds for Local School Districts	\$165,000,000	\$175,000,000	\$1,750,200
8. Sub-total -- Other Program Distributions	\$192,682,500	\$195,240,000	\$1,750,200
TOTAL CATEGORICAL EXPENDITURES	\$1,174,193,400	\$1,226,844,900	\$81,451,200
III. EDUCATION STABILIZATION FUNDS	\$0	\$0	
IV. STATE DISCRETIONARY FUNDS	\$23,149,400	\$17,740,300	
V. ESTIMATED SUPPORT UNITS	13,150	13,500	
VI. STATE DISCRETIONARY \$ PER SUPPORT UNIT	\$1,760	\$1,314	
VII. LOCAL DISCRETIONARY \$ PER SUPPORT UNIT	\$22,935	\$24,122	
VIII. TOTAL DISCRETIONARY \$ PER SUPPORT UNIT	\$24,695	\$25,436	

Contact: Jason Hancock
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IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 848

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2007; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2007; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE BASE SALARIES FOR ADMINISTRATIVE STAFF.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. The following amount shall be expended for the Public Schools Division of Administrators for the period July 1, 2006, through June 30, 2007:
FROM:

General Fund	\$79,701,000
Federal Grant Fund	<u>1,750,200</u>
TOTAL	\$81,451,200

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2006, through June 30, 2007:

FROM:
General Fund \$79,701,000

SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Administrators, pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the period July 1, 2006, through June 30, 2007:

FROM:
Public School Income Fund \$79,701,000
Federal Grant Fund 1,750,200
TOTAL \$81,451,200

SECTION 4. It is legislative intent that public school employee benefits paid by the state, pursuant to Section 33-1004F, Idaho Code, be paid for all eligible employees that a school district or public charter school actually employs with its salary-based apportionment allotment, regardless of whether such employees are categorized as administrative, instructional or classified staff.

SECTION 5. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this sec-

tion.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of \$23,210. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004 2., Idaho Code. The instructional salary allocation shall be increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$27,500. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of \$33,760.34,773. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004 3., Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$18,648 by the district classified staff allowance determined as provided in section 33-1004 4., Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

FISCAL NOTE

	FY 2006 Approp.	FY 2007 Approp.	Div. of Facilities
I. STATE APPROPRIATION			
A. Sources of Funds			
1. General Fund	\$987,110,000	\$1,040,941,300	\$5,500,000
2. Dedicated Funds	\$45,232,800	\$51,366,800	\$17,222,900
3. Federal Funds	\$165,000,000	\$175,000,000	\$0
4. TOTAL STATE APPROPRIATIONS	\$1,197,342,800	\$1,267,308,100	\$22,722,900
<i>General Fund Percent Increase:</i>	2.3%	5.5%	
<i>Total Funds Percent Increase:</i>	2.7%	5.8%	68.9%
II. PROGRAM DISTRIBUTION			
A. Statutory Requirements			
1. Property Tax Replacement	\$75,000,000	\$75,000,000	\$0
2. Transportation	\$60,521,600	\$64,316,700	\$0
3. Border Contracts	\$800,000	\$800,000	\$0
4. Exceptional Contracts/Tuition Equivalents	\$5,750,000	\$5,750,000	\$0
5. Floor	\$395,500	\$0	\$0
6. Program Adjustments	\$400,000	\$435,000	\$0
7. Salary-based Apportionment	\$697,958,200	\$740,842,100	\$0
8. Teacher Incentive Award	\$696,400	\$313,200	\$0
9. State Paid Employee Benefits	\$126,161,700	\$133,897,900	\$0
10. Early Retirement Program	\$4,600,000	\$4,750,000	\$0
11. Bond Levy Equalization	\$4,527,500	\$6,300,000	\$6,300,000
12. Idaho Safe & Drug-Free Schools	\$4,700,000	\$5,500,000	\$0
13. Sub-total -- Statutory Requirements	\$981,510,900	\$1,037,904,900	\$6,300,000
B. Other Program Distributions			
1. Technology & Remediation	\$9,500,000	\$9,800,000	\$0
2. Idaho Reading Initiative	\$2,800,000	\$2,800,000	\$0
3. Limited English Proficiency (LEP)	\$5,060,000	\$6,040,000	\$0
4. Gifted & Talented	\$500,000	\$500,000	\$0
5. Idaho Digital Learning Academy	\$900,000	\$1,100,000	\$0
6. School Facilities Funding (Lottery)	\$8,922,500	\$10,772,900	\$10,772,900
7. School Facilities Maintenance Match	\$0	\$5,650,000	\$5,650,000
8. Federal Funds for Local School Districts	\$165,000,000	\$175,000,000	\$0
9. Sub-total -- Other Program Distributions	\$192,682,500	\$211,662,900	\$16,422,900
TOTAL CATEGORICAL EXPENDITURES	\$1,174,193,400	\$1,249,567,800	\$22,722,900
III. EDUCATION STABILIZATION FUNDS	\$0	\$0	
IV. STATE DISCRETIONARY FUNDS	\$23,149,400	\$17,740,300	
V. ESTIMATED SUPPORT UNITS	13,150	13,500	
VI. STATE DISCRETIONARY PER SUPPORT	\$1,762	\$1,314	
VII. LOCAL DISCRETIONARY PER SUPPORT	\$22,935	\$24,122	
VIII. TOTAL DISCRETIONARY PER SUPPORT	\$24,695	\$25,436	

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 864

BY APPROPRIATIONS COMMITTEE

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF FACILITIES; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2007; TRANSFERRING AND APPROPRIATING CERTAIN FUNDS TO THE BOND LEVY EQUALIZATION FUND; AND AMENDING SECTION 33-906A, IDAHO CODE, TO PROVIDE THAT MONEYS IN THE BOND LEVY EQUALIZATION FUND BE CONTINUOUSLY APPROPRIATED FOR THE BOND LEVY EQUALIZATION SUPPORT PROGRAM.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Educational Support Program/Division of Facilities, pursuant to law and the provisions of this act, the following amounts to be expended from the listed funds for the period July 1, 2006, through June 30, 2007:

FROM:

School District Building Account	\$17,222,900
General Fund	5,500,000
TOTAL	\$22,722,900

SECTION 2. Of the General Fund moneys appropriated in Section 1 of this act, \$1,000,000 is hereby transferred and appropriated to the Bond Levy Equalization Fund. The provisions of Section 33-905, Idaho Code, notwithstanding, of the moneys appropriated in Section 1 of this act, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated from the School District Building Account to the Bond Levy Equalization Fund.

SECTION 3. That Section 33-906A, Idaho Code, be, and the same is hereby amended to read as follows:

33-906A. BOND LEVY EQUALIZATION FUND. There is hereby created in the state treasury a bond levy equalization fund. This fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to make the payments authorized by the bond levy equalization program created in section 33-906, Idaho Code. Moneys in the fund are hereby continuously appropriated for the purposes stated in section 33-906, Idaho Code, and shall only be expended for the purposes stated therein.

Statement of Purpose

RS15293

This is the fiscal year 2007 appropriation for the Millennium Fund in the amount of \$1,271,900, which reflects the amount available for distribution from the corpus of the fund pursuant to the statutory formula.

Fiscal Note

	FTP	Gen	Ded	Fed	Total
FY 2006 Original Appropriation	0.00	0	0	0	0
FY 2007 Base	0.00	0	0	0	0

Line Items

Idaho Millennium Fund

1. Caldwell School District - GRASP	0.00	0	30,000	0	30,000
2. SHIP Transitional Housing	0.00	0	0	0	0
3. Public Health Districts	0.00	0	500,000	0	500,000
4. Catastrophic Health Care	0.00	0	0	0	0
5. American Lung Association	0.00	0	77,900	0	77,900
6. H&W Tobacco Counter Marketing	0.00	0	300,000	0	300,000
7. Idaho Supreme Court	0.00	0	270,000	0	270,000
8. Community Patient Navigator Clinic	0.00	0	0	0	0
9. ISP - Youth Tobacco Investigations	0.00	0	94,000	0	94,000
10. Boys & Girls Clubs of Idaho	0.00	0	0	0	0
11. Defense Costs for AGO	0.00	0	0	0	0

FY 2007 Total	0.00	0	1,271,900	0	1,271,900
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Chg from FY 2006 Orig Approp.	0.00	0	1,271,900	0	1,271,900
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% Chg from FY 2006 Orig Approp.

Contact: Cathy Holland-Smith 334-4731

Legislative Services Office, Budget & Policy Analysis

IN THE SENATE

SENATE BILL NO. 1460

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2007; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated and the State Controller is hereby directed to make cash transfers from the Idaho Millennium Income Fund to the following programs, at the request of the State Treasurer, not to exceed \$1,271,900 for the period July 1, 2006, through June 30, 2007:

(a) \$30,000 for the Caldwell School District for the GRASP Program, an after-school program that works with highly at-risk youth referred by probation officers, judges, counselors, and parents to deliver classes in building self-esteem and tobacco awareness, and taking part in community service, random urinalysis, counseling, educational tutorial and parental communication.

(b) \$500,000 for the Public Health Districts to continue tobacco use cessation programs statewide through the Public Health Districts of Idaho and other nonprofit entities such as hospitals, primary care clinics and voluntary organizations. The tobacco use cessation programs should be available to any Idaho citizen, with primary emphasis on youth and pregnant women.

(c) \$77,900 for the American Lung Association of Idaho/Washington for Teens Against Tobacco Use (T.A.T.U.) tobacco control intervention program to reach Idaho primary and secondary school students.

(d) \$300,000 for the Bureau of Health Promotion in the Department of Health and Welfare for targeted tobacco counter-marketing programs, specific to Idaho, and to be matched by private industry funds on at least a one-to-one basis.

(e) \$270,000 for the Idaho Supreme Court for its youth courts and status offender services programs as they relate to addressing tobacco and/or substance abuse issues.

(f) \$94,000 for Law Enforcement Programs in the Idaho State Police to offset the cost of youth tobacco investigations.

SECTION 2. Notwithstanding any other provision of law to the contrary, on June 30, 2007, any remaining unexpended and unencumbered moneys appropriated in Section 1 of this act shall be reverted to the Idaho Millennium Income

1 Fund. The State Controller shall then transfer said reverted moneys and all
2 earnings credited to the Idaho Millennium Income Fund to the Idaho Millennium
3 Fund.

Statement of Purpose

RS15258

This is the Fiscal Year 2007 appropriation for the Idaho School for the Deaf and the Blind.

Fiscal Note

	FTP	Gen	Ded	Fed	Total
FY 2006 Original Appropriation	121.52	7,663,900	316,800	117,100	8,097,800
HB 395 One-time 1% Salary Increase	0.00	57,800	0	0	57,800
Omnibus CEC Supplemental	0.00	65,900	0	0	65,900
FY 2006 Total Appropriation	121.52	7,787,600	316,800	117,100	8,221,500
Non-Cognizable Funds and Transfers	0.00	0	0	0	0
FY 2006 Estimated Expenditures	121.52	7,787,600	316,800	117,100	8,221,500
Removal of One-Time Expenditures	0.00	(57,800)	(222,200)	0	(280,000)
Base Adjustments	0.00	(88,000)	88,000	0	0
FY 2007 Base	121.52	7,641,800	182,600	117,100	7,941,500
Benefit Costs	0.00	(153,100)	0	0	(153,100)
Inflationary Adjustments	0.00	11,900	1,200	1,100	14,200
Replacement Items	0.00	0	230,600	0	230,600
Statewide Cost Allocation	0.00	300	0	0	300
Change in Employee Compensation	0.00	0	0	0	0
Nondiscretionary Adjustments	0.00	10,000	0	0	10,000
FY 2007 Program Maintenance	121.52	7,510,900	414,400	118,200	8,043,500
Line Items					
Idaho School for the Deaf and the Blind					
1. Educational Staff Salary Equity	0.00	0	0	0	0
2. Endowment Adjustment	0.00	9,300	(9,300)	0	0
3. Transfer from Campus to Outreach	0.00	0	0	0	0
Lump Sum or Other Adjustments	0.00	0	0	0	0
FY 2007 Total	121.52	7,520,200	405,100	118,200	8,043,500
Chg from FY 2006 Orig Approp.	0.00	(143,700)	88,300	1,100	(54,300)
% Chg from FY 2006 Orig Approp.	0.0%	(1.9%)	27.9%	0.9%	(0.7%)

In addition to standard program maintenance items, this budget includes \$230,600 for Replacement Items, funded with one-time monies from the Economic Recovery Reserve Fund. There is also a fund shift between endowment funds and the General Fund (line item #2), to better reflect the amount of endowment funding that will be available in FY 2007.

With enrollment at the school standing at barely half of its level of 15 years ago, in spite of an overall growth in student population in Idaho, the current level of staffing at the campus facility can no longer be justified. Under line item #3, this budget transfers 5.19 positions and \$171,100 from Campus Operations to Outreach Services. This reflects reducing the number of cottages from six to four, reducing food service staff from six to four, and reducing three of the five custodial positions from year-round to school-year only.

Contact: Jason Hancock 334-4739

Legislative Services Office, Budget & Policy Analysis

Statement of Purpose/Fiscal Note

S 1478

IN THE SENATE

SENATE BILL NO. 1478

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; DIRECTING THAT THE SCHOOL ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES; GRANTING AUTHORITY TO MAKE CERTAIN FUND TRANSFERS; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THIS ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho School for the Deaf and the Blind the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. CAMPUS OPERATIONS:				
FROM:				
General Fund	\$4,730,400	\$ 732,900		\$5,463,300
Idaho School for the Deaf and the Blind Income Fund		78,700		78,700
Economic Recovery Reserve Fund		27,200	\$123,400	150,600
Federal Grant Fund	36,000	82,200		118,200
Miscellaneous Revenue Fund	4,000	91,800		95,800
TOTAL	\$4,770,400	\$1,012,800	\$123,400	\$5,906,600
II. OUTREACH SERVICES:				
FROM:				
General Fund	\$1,855,400	\$ 201,500		\$2,056,900
Economic Recovery Reserve Fund			\$ 80,000	80,000
TOTAL	\$1,855,400	\$ 201,500	\$ 80,000	\$2,136,900
GRAND TOTAL	\$6,625,800	\$1,214,300	\$203,400	\$8,043,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho School for the Deaf and the Blind is authorized no more than one hundred twenty-one and fifty-two hundredths (121.52) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, unless spe-

1 cifically authorized by the Governor. The Joint Finance-Appropriations Commit-
2 tee will be notified promptly of any increased positions so authorized.

3 SECTION 3. The Idaho School for the Deaf and the Blind may deposit any
4 funds appropriated by Section 1, Chapter 313, Laws of 2005, in a contingency
5 reserve fund created pursuant to Section 33-3409, Idaho Code.

6 SECTION 4. The Idaho School for the Deaf and the Blind is hereby directed
7 to allocate salary savings, based on performance, to provide for employee sal-
8 ary needs before other operational budget priorities are considered. Where
9 applicable, employees whose salaries are below the midpoint of their pay grade
10 or occupational groups with significant turnover rates shall be considered
11 first in the order of salary savings distributions.

12 SECTION 5. The Idaho School for the Deaf and the Blind shall not operate
13 any residential cottages beyond those necessary to provide single-gender
14 accommodations for students attending from locations that are too distant to
15 participate in the campus day program.

16 SECTION 6. Notwithstanding any other provision of law to the contrary,
17 the Idaho School for the Deaf and the Blind is hereby granted the authority to
18 transfer funds from Campus Operations to Outreach Services, in any amount.

19 SECTION 7. An emergency existing therefor, which emergency is hereby
20 declared to exist, Section 6 of this act shall be in full force and effect on
21 and after passage and approval.

Statement of Purpose

RS15259

This is the Fiscal Year 2007 appropriation for the Office of the State Board of Education.

Fiscal Note

	FTP	Gen	Ded	Fed	Total
FY 2006 Original Appropriation	22.00	4,584,900	176,800	6,951,800	11,713,500
HB 395 One-time 1% Salary Increase	0.00	11,400	0	3,300	14,700
Omnibus CEC Supplemental	0.00	13,100	0	3,100	16,200
FY 2006 Total Appropriation	22.00	4,609,400	176,800	6,958,200	11,744,400
Removal of One-Time Expenditures	0.00	(11,400)	(43,900)	(16,200)	(71,500)
FY 2007 Base	22.00	4,598,000	132,900	6,942,000	11,672,900
Benefit Costs	0.00	(17,300)	0	(6,200)	(23,500)
Inflationary Adjustments	0.00	60,200	2,500	124,600	187,300
Statewide Cost Allocation	0.00	3,400	0	4,200	7,600
Change in Employee Compensation	0.00	0	0	0	0
FY 2007 Program Maintenance	22.00	4,644,300	135,400	7,064,600	11,844,300
Line Items					
Office of the State Board of Education					
1. Restore Base Reduction	0.00	0	0	0	0
2. ISAT Contract Contingency	0.00	0	0	0	0
3. Additional Support Staff	0.00	0	0	0	0
4. Additional Office Space	0.00	0	0	0	0
5. Charter School Oversight	1.00	94,800	0	0	94,800
6. Management Analyst/Auditor	0.00	0	0	0	0
7. Grants/Contracts Officer	0.00	0	0	0	0
8. Higher Education Information System	0.00	0	0	0	0
9. Community College Pilot Project	0.00	0	0	0	0
FY 2007 Total	23.00	4,739,100	135,400	7,064,600	11,939,100
Chg from FY 2006 Orig Approp.	1.00	154,200	(41,400)	112,800	225,600
% Chg from FY 2006 Orig Approp.	4.5%	3.4%	(23.4%)	1.6%	1.9%

In addition to standard program maintenance items, this budget includes one line item (#5), which adds a charter schools oversight position. This new position will assist the Public Charter School Commission in exercising its oversight responsibilities for public charter schools that it has authorized. The commission, which is currently staffed with an administrative assistant position funded by the 2005 Legislature, will be responsible for 11 such schools in FY 2007. The Community Colleges Pilot Project (#9), if authorized, will be funded in a separate appropriation.

Contact: Jason Hancock 334-4739

Legislative Services Office, Budget & Policy Analysis

IN THE SENATE

SENATE BILL NO. 1480

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
OFFICE OF THE STATE BOARD OF EDUCATION:					
FROM:					
General					
Fund	\$1,347,200	\$3,300,400	\$4,000	\$ 87,500	\$ 4,739,100
Federal					
Grant					
Fund	376,200	5,984,000		704,400	7,064,600
Miscellaneous					
Revenue					
Fund	2,000	123,200		10,200	135,400
TOTAL	\$1,725,400	\$9,407,600	\$4,000	\$802,100	\$11,939,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than twenty-three (23) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The Legislature reaffirms that the Division of Professional-Technical Education and the Office of the State Board of Education each play unique and vital roles in the state's educational system. The Legislature authorizes these agencies to share administrative resources only to the extent necessary to achieve readily obtainable administrative efficiencies. The shared resources authorized in this section shall be narrowly defined as human resources, information technology, reception and the fiscal activities of accounts payable, payroll processing and financial statement preparation. Each division administrator shall retain management decision-making autonomy over their respective divisions. The employees of the Division of Professional-

1 Technical Education shall not be considered or used as adjunct staff by the
2 Office of the State Board of Education. Under no circumstances shall this
3 arrangement impair the individual ability of these agencies to fulfill their
4 individual missions. This authorization is automatically withdrawn to the
5 extent it is found to be inconsistent with laws or regulations pertaining to
6 the use of federal or dedicated funds. The Legislature shall review this
7 authorization each year and reserve its prerogative to withdraw it at any
8 time.

9 SECTION 4. The Office of the State Board of Education is hereby directed
10 to allocate salary savings, based on performance, to provide for employee sal-
11 ary needs before other operational budget priorities are considered. Where
12 applicable, employees whose salaries are below the midpoint of their pay grade
13 or occupational groups with significant turnover rates shall be considered
14 first in the order of salary savings distributions.

Statement of Purpose

RS15263C1

This is the Fiscal Year 2007 appropriation for the Superintendent of Public Instruction/state Department of Education.

Fiscal Note

	FTP	Gen	Ded	Fed	Total
FY 2006 Original Appropriation	124.00	5,249,300	4,664,000	7,037,900	16,951,200
HB 395 One-time 1% Salary Increase	0.00	25,400	8,300	27,700	61,400
Supplementals					
Superintendent of Public Instruction					
1. State Improvement Grant	0.00	0	(75,000)	113,400	38,400
2. Increase Federal Spending Authority	0.00	0	0	8,000,000	8,000,000
3. Transfer to Personnel Costs	0.00	0	0	0	0
4. Federal Charter Schools Grant	2.00	0	0	120,400	120,400
5. Student Data Management	2.00	0	165,000	0	165,000
Omnibus CEC Supplemental	0.00	29,800	14,000	36,400	80,200
FY 2006 Total Appropriation	128.00	5,304,500	4,776,300	15,335,800	25,416,600
Non-Cognizable Funds and Transfers	3.00	0	4,000,000	0	4,000,000
FY 2006 Estimated Expenditures	131.00	5,304,500	8,776,300	15,335,800	29,416,600
Removal of One-Time Expenditures	(5.00)	(25,400)	(4,133,000)	(254,200)	(4,412,600)
FY 2007 Base	126.00	5,279,100	4,643,300	15,081,600	25,004,000
Benefit Costs	0.00	(52,500)	(30,500)	(62,500)	(145,500)
Inflationary Adjustments	0.00	42,300	61,600	223,500	327,400
Statewide Cost Allocation	0.00	30,900	600	6,800	38,300
Change in Employee Compensation	0.00	0	0	0	0
FY 2007 Program Maintenance	126.00	5,299,800	4,675,000	15,249,400	25,224,200
Line Items					
Superintendent of Public Instruction					
1. Public School Finance Staffing	1.00	59,100	2,500	0	61,600
2. American Indian Education	0.00	0	0	0	0
3. Federal Charter Schools Grant	2.00	0	0	115,400	115,400
FY 2007 Total	129.00	5,358,900	4,677,500	15,364,800	25,401,200
Chg from FY 2006 Orig Approp.	5.00	109,600	13,500	8,326,900	8,450,000
% Chg from FY 2006 Orig Approp.	4.0%	2.1%	0.3%	118.3%	49.8%

In addition to standard program maintenance items, this budget includes two enhancements. The first provides funding, primarily from the General Fund, for one new position in the department's Public Schools Finance area. Over the last eight years, the number of school districts for which the department must administer funding allocations has increased from 112 to 114 and the number of public charter schools has increased from zero to 28 (for FY07). In addition, this staff section has been given new program responsibilities, such as Bond Levy Equalization. This budget also includes a federally-funded enhancement for two positions to help provide technical assistance to new charter schools. This item was previously approved by the Legislature as a one-time FY06 supplemental, necessitating a revisitation of the issue in the FY07 budget.

Contact: Jason Hancock 334-4739

Legislative Services Office, Budget & Policy Analysis

IN THE SENATE

SENATE BILL NO. 1484

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction/State Department of Education the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
STATE DEPARTMENT OF EDUCATION:					
FROM:					
General					
Fund	\$3,052,200	\$ 1,320,600		\$ 986,100	\$ 5,358,900
Economic Recovery					
Reserve Fund			\$2,500		2,500
Driver's					
Education					
Fund	146,600	151,000		2,113,300	2,410,900
Public					
Instruction					
Fund	457,300	758,900		11,400	1,227,600
Student Tuition					
Recovery Fund		5,300		49,600	54,900
Federal Grant					
Fund	3,373,300	11,991,500			15,364,800
Indirect Cost					
Recovery					
Fund	533,200	229,100			762,300
Data Processing					
Services					
Fund		38,900			38,900
Miscellaneous					
Revenue					
Fund	139,600	40,800			180,400
TOTAL	\$7,702,200	\$14,536,100	\$2,500	\$3,160,400	\$25,401,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Department of Education is authorized no more than one hundred twenty-nine (129) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, unless specifically authorized by the Governor.

1 The Joint Finance-Appropriations Committee will be notified promptly of any
2 increased positions so authorized.

3 SECTION 3. The State Department of Education is hereby directed to allo-
4 cate salary savings, based on performance, to provide for employee salary
5 needs before other operational budget priorities are considered. Where appli-
6 cable, employees whose salaries are below the midpoint of their pay grade or
7 occupational groups with significant turnover rates shall be considered first
8 in the order of salary savings distributions.

IN THE SENATE

SENATE JOINT RESOLUTION NO. 107

BY JUDICIARY AND RULES COMMITTEE

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, TO CREATE AN IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND, TO PROVIDE THAT THE FUND SHALL CONSIST OF EIGHTY PERCENT OF THE MONEYS RECEIVED EACH YEAR BY THE STATE OF IDAHO ON AND AFTER JANUARY 1, 2007, PURSUANT TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO BETWEEN TOBACCO PRODUCT MANUFACTURERS AND THE STATE OF IDAHO, AND ANY OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND BY THE LEGISLATURE, INCLUDING OTHER MONEYS OR ASSETS THAT THE FUND RECEIVES BY BEQUEST OR PRIVATE DONATION, TO PROVIDE THAT SUCH MONEYS SHALL REMAIN INVIOLEATE AND INTACT EXCEPT THAT EACH YEAR THE STATE TREASURER SHALL DISTRIBUTE FIVE PERCENT OF THE PERMANENT ENDOWMENT FUND'S AVERAGE MONTHLY FAIR MARKET VALUE FOR THE FIRST TWELVE MONTHS OF THE PRECEDING TWENTY-FOUR MONTHS TO THE IDAHO MILLENNIUM INCOME FUND, TO PROVIDE THAT SUCH DISTRIBUTION SHALL NOT EXCEED THE PERMANENT ENDOWMENT FUND'S FAIR MARKET VALUE ON THE FIRST BUSINESS DAY OF JULY, TO CREATE AN IDAHO MILLENNIUM INCOME FUND SUBJECT TO APPROPRIATION AS PROVIDED BY LAW, TO PROVIDE THAT THE INCOME FUND SHALL CONSIST OF THE DISTRIBUTION FROM THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AND OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND AS PROVIDED BY LAW, TO PROVIDE THAT THE REMAINING TWENTY PERCENT OF THE MONEYS RECEIVED BY THE STATE OF IDAHO ON AND AFTER JANUARY 1, 2007, PURSUANT TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO BETWEEN TOBACCO PRODUCT MANUFACTURERS AND THE STATE OF IDAHO AND THE EARNINGS THEREON, SHALL BE DEPOSITED TO THE IDAHO MILLENNIUM FUND, TO PROVIDE THAT THE MILLENNIUM FUND MAY CONSIST OF ANY OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND BY THE LEGISLATURE, INCLUDING OTHER MONEYS OR ASSETS THAT THE FUND RECEIVES BY BEQUEST OR PRIVATE DONATION, TO PROVIDE THAT MONEYS IN THE MILLENNIUM FUND SHALL BE ALLOWED TO ACCUMULATE, BUT SHALL NOT EXCEED A MAXIMUM LIMIT AS DETERMINED BY LAW, TO PROVIDE THAT ANY AMOUNTS SO ACCUMULATING IN THE IDAHO MILLENNIUM FUND WHICH EXCEED THE MAXIMUM LIMIT, SHALL BE TRANSFERRED, NO LESS THAN ONCE A YEAR, TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AND TO PROVIDE THAT SUCH MONEYS AND EARNINGS SO TRANSFERRED TO THE PERMANENT ENDOWMENT FUND SHALL ALSO REMAIN INVIOLEATE AND INTACT; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

Be It Resolved by the Legislature of the State of Idaho:

SECTION 1. That Article VII of the Constitution of the State of Idaho be amended by the addition of a NEW SECTION, to be known and designated at Section 18, Article VII of the Constitution of the State of Idaho and to read as follows:

SECTION 18. IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND -- IDAHO MILLENNIUM INCOME FUND -- IDAHO MILLENNIUM FUND. There is hereby created in the state treasury an Idaho Millennium Permanent Endowment Fund. The fund shall consist of eighty percent of the moneys received each year by the state of Idaho on and after January 1, 2007, pursuant to the master settlement agreement entered into between tobacco product manufacturers and the state of Idaho, and any other moneys that may be appropriated or otherwise directed to the fund by the legislature, including other moneys or assets that the fund receives by bequest or private donation. The moneys received annually for deposit to the fund, including earnings, shall forever remain inviolate and intact. No portion of the permanent endowment fund shall ever be transferred to any other fund, or used, or appropriated, except as follows: each year, the state treasurer shall distribute five percent of the permanent endowment fund's average monthly fair market value for the first twelve months of the preceding twenty-four months, to the Idaho Millennium Income Fund, and provided, that such distribution shall not exceed the permanent endowment fund's fair market value on the first business day of July.

The Idaho Millennium Income Fund, which is hereby created in the state treasury, is subject to appropriation as provided by law, and shall consist of the distribution from the Idaho Millennium Permanent Endowment Fund and other moneys that may be appropriated or otherwise directed to the fund as provided by law.

The remaining twenty percent of the moneys received by the state of Idaho on and after January 1, 2007, pursuant to the master settlement agreement entered into between tobacco product manufacturers and the state of Idaho and the earnings thereon, shall be deposited to the Idaho Millennium Fund. The fund may consist of any other moneys that may be appropriated or otherwise directed to the fund by the legislature, including other moneys or assets that the fund receives by bequest or private donation. Moneys in the fund shall be allowed to accumulate, but shall not exceed a maximum limit as determined by law. Any amounts so accumulating in the Idaho Millennium Fund which exceed the maximum limit, shall be transferred, no less than once a year, to the Idaho Millennium Permanent Endowment Fund, and such moneys and earnings in the permanent endowment fund shall also remain inviolate and intact.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall the Constitution of the State of Idaho be amended by the addition of a new Section 18, Article VII, to create an Idaho Millennium Permanent Endowment Fund to consist of eighty percent of the moneys received each year by the state of Idaho on and after January 1, 2007, pursuant to the Master Settlement Agreement entered into between tobacco product manufacturers and the state of Idaho, and any other moneys that may be appropriated or otherwise directed to the Idaho Millennium Permanent Endowment Fund by the legislature, including other moneys or assets that the Idaho Millennium Permanent Endowment Fund receives by bequest or private donation, to provide that such moneys shall remain inviolate and intact except that the state treasurer shall distribute five percent of the Idaho Millennium Permanent Endowment Fund's average monthly fair market value for the first twelve months of the preceding twenty-four months to the Idaho Millennium Income Fund, to provide that such distribution shall not exceed the Idaho Millennium Permanent Endowment Fund's

1 fair market value on the first business day of July; to create an Idaho
2 Millennium Income Fund, subject to appropriation as provided by law, to con-
3 sist of the distribution from the Idaho Millennium Permanent Endowment Fund
4 and other moneys that may be appropriated or otherwise directed to the Idaho
5 Millennium Income Fund as provided by law; and to provide that the remaining
6 twenty percent of the moneys received by the state of Idaho on and after Janu-
7 ary 1, 2007, pursuant to the Master Settlement Agreement entered into between
8 tobacco product manufacturers and the state of Idaho and the earnings thereon,
9 shall be deposited to the Idaho Millennium Fund, to provide that the Idaho
10 Millennium Fund may consist of any other moneys that may be appropriated or
11 otherwise directed to the Idaho Millennium Fund by the legislature, including
12 other moneys or assets that the Idaho Millennium Fund receives by bequest or
13 private donation, to provide that moneys in the Idaho Millennium Fund shall be
14 allowed to accumulate, but shall not exceed a maximum limit as determined by
15 law, to provide that any amounts so accumulating in the Idaho Millennium Fund
16 which exceed the maximum limit, shall be transferred, no less than once a
17 year, to the Idaho Millennium Permanent Endowment Fund and to provide that
18 such moneys and earnings in the permanent endowment fund shall also remain
19 inviolate and intact?".

20 SECTION 3. The Legislative Council is directed to prepare the statements
21 required by Section 67-453, Idaho Code, and file the same.

22 SECTION 4. The Secretary of State is hereby directed to publish this pro-
23 posed constitutional amendment and arguments as required by law.

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 32

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING THE WEEK OF SEPTEMBER 10 THROUGH 16, 2006, AS BULLYING AWARENESS WEEK.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the school shooting on April 20, 1999, at Columbine High School in Littleton, Colorado, during which fifteen students and a teacher were killed and 23 other students were wounded, was an event set apart in our hearts and memories; and

WHEREAS, it behooves each of us, as parents, students, educators and citizens to recognize the lessons to be learned from this tragedy and identify changes to prevent repetition; and

WHEREAS, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and

WHEREAS, it is important that we acknowledge the serious issues and the negative effects of bullying, including the long-term damage which may be caused for our youth and the risks of teenage suicide; and

WHEREAS, playground observations identify that at least one incident of bullying occurs every seven minutes; and

WHEREAS, bullying may consist of physical incidents of hitting, kicking, or choking, verbal threats, teasing and taunting, or systematic exclusion from activities; and

WHEREAS, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and

WHEREAS, in remembrance of the Columbine shootings, and as a symbol of our year-round struggle against bullying, it is appropriate that we designate a week to emphasize the importance of our endeavors.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that, on behalf of the citizens of the state of Idaho, the Legislature designates the week of September 10 through 16, 2006, as Bullying Awareness Week.

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 33

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RELATING TO CIVIC AND HISTORICAL EDUCATION AND URGING THE SECRETARY OF STATE TO CONVENE A SUMMIT FOR CIVIC AND HISTORICAL LEARNING, PROVIDING COMPOSITION OF THE COMMITTEE AND REQUIRING A REPORT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, civic and historical learning encourages young people to be thoughtful and productive members of their communities and future leaders of the state; and

WHEREAS, it is crucial to the future health of our republic form of government that all young people be knowledgeable about democratic principles and practices of a republic form of government and the rule of law, be engaged in their communities and in politics, and be committed to individual freedom which will ensure the public good; and

WHEREAS, on the National Assessment of Educational Progress in 1998, only twenty-five percent of students at the upper elementary and secondary levels were proficient in civics and government; and

WHEREAS, nationally, under twenty percent of eligible 18 to 25 year-olds voted in the 2004 presidential election; and

WHEREAS, according to "The Civic and Political Health of the Nation: A Generational Portrait" nearly one-half of 15 to 25 year-olds indicate that civic education increases their interest and participation in civic affairs; and

WHEREAS, individuals who have a clear understanding of the rights and responsibilities of citizenship in a republic form of government under the rule of law are more likely to exercise those rights and responsibilities to be competent and responsible citizens; and

WHEREAS, the need for civic and historical learning in our state is crucial to the long-term social and political health of the state and is a part of the thoroughness in education provided in section 33-1612, Idaho Code; and

WHEREAS, the eight principles of thoroughness are: a safe environment conducive to learning is provided; educators are empowered to maintain classroom discipline; the basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized; the skills necessary to communicate effectively are taught; a basic curriculum necessary to enable students to enter academic or professional-technical post-secondary educational programs is provided; the skills necessary for students to enter the work force are taught; the students are introduced to current technology; and the importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Secretary of State, with the assis-

1 tance of the Department of Education, is urged to establish a committee to
2 convene a Summit for Civic and Historical Learning at Boise State University
3 with a goal of determining a strategy for enhancing long-term civic engagement
4 and learning within the state, and recommending a plan for improving civic
5 engagement and learning to the First Regular Session of the Fifty-ninth Idaho
6 Legislature.

7 BE IT FURTHER RESOLVED that the committee should be composed of a diverse
8 range of student, teacher and administrator representatives from grades K
9 through 12 and postsecondary education, media, civic organizations, and
10 elected officials, and shall be facilitated by the Department of Education's
11 Office of Civics, Service, Character and International Education.

12 BE IT FURTHER RESOLVED that the committee shall report its findings and
13 recommendations for future action to the Office of the Secretary of State and
14 the Office of the Superintendent of Public Instruction no later than December
15 1, 2006.

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 58

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND URGING THE ESTABLISHMENT AND PROMOTION OF
PROGRAMS TO IMPROVE THE TRAINING OF ELEMENTARY SCHOOL TEACHERS IN THE
DISCIPLINES OF MATHEMATICS AND SCIENCE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, before there can be children with solid education credentials in
mathematics and science, there must be teachers in the elementary schools who
can impart the needed knowledge; and

WHEREAS, before there can be elementary school teachers with the required
skill and training in mathematics and science to teach the children, there
must be programs at the college and university level that will produce such
teachers; and

WHEREAS, before there can be such mathematics and science educator pro-
grams, there must be the commitment to establish and promote such programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
sion of the Fifty-eighth Idaho Legislature, the House of Representatives and
the Senate concurring therein, that Idaho's colleges and universities are
urged to commit themselves to the establishment and promotion of programs to
improve the training of elementary school teachers in the disciplines of
mathematics and science so that Idaho's children may so benefit.

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 13

BY EDUCATION COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the goal of the No Child Left Behind Act (NCLB), moving all students to proficiency in reading, language and mathematics by 2014, is laudable; and

WHEREAS, that goal can best be achieved by providing the Idaho kindergarten through twelfth grade public education system the flexibility to capitalize on Idaho's unique resources and population; and

WHEREAS, Idaho has been a national leader in school improvement reform as exemplified by the passage of the Idaho Reading Initiative, the creation of academic standards, the alignment of Idaho public school curricula, and the creation of the Idaho Standards Achievement Test (ISAT); and

WHEREAS, Idaho applauds and supports the implementation and expansion of Secretary Spellings' flexibility framework for new NCLB policy announced April 7, 2005, including the implementation of pilot programs to study use of growth models in calculating Adequate Yearly Progress (AYP); and

WHEREAS, education stakeholders in Idaho are committed to providing the best public education possible for our children; and

WHEREAS, providing a quality education requires that certain aspects of NCLB be further enhanced.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress to support federal legislation that will address the following:

- (1) Correcting difficulties in the calculation of AYP;
- (2) Providing states the flexibility to effectively and efficiently use resources by targeting sanctions to students who actually need assistance;
- (3) Providing states local control over their education systems by allowing waivers to accommodate high-quality state accountability systems, including the use of measures of progress;
- (4) Providing states more individualized measures of success in calculating AYP for students with disabilities and limited English proficient students; and

(5) Placing funding triggers in the federal program so that the most costly sanctions are not implemented in any year in which Congress does not provide adequate funding to states.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Repre-

1 sentatives of Congress, and the congressional delegation representing the
2 State of Idaho in the Congress of the United States.

Engrossed Bill (Original Bill with Amendment(s) Incorporated)

Fifty-eighth Legislature

LEGISLATURE OF THE STATE OF IDAHO

Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 18, As Amended

BY EDUCATION COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF
IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the
State of Idaho assembled in the Second Regular Session of the Fifty-eighth
Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the success of all of America's students attending our nation's
public schools is of great concern to the citizens of the United States; and

WHEREAS, many of these students arrive at our public school classrooms
from myriad cultures and with no or extremely limited exposure to the English
language; and

WHEREAS, it is self-evident that a student new to the English language is
not proficient in reading or comprehending academic English; and

WHEREAS, the No Child Left Behind Act currently requires school districts
to include in determinations of adequate yearly progress (AYP) the participa-
tion of all limited English proficient students, including those who have not
been enrolled in school on a full-time basis for a sufficient period of time
to develop skills that will assure the required tests are providing reliable
information regarding these students' educational levels; and

WHEREAS, the No Child Left Behind Act also currently requires states to
include all students in their annual academic assessments, including those
with limited English proficiency, regardless of the length of time they have
been attending public school; and

WHEREAS, Idaho's statewide assessment used to meet the provisions of the
No Child Left Behind Act, the Idaho Standard Achievement Test, is administered
in English; and

WHEREAS, it is demoralizing and frustrating for a student to be forced to
take a test she or he cannot understand; and

WHEREAS, grade-level tests administered in English to beginning English
language learners do not help teachers or school administrators understand the
instructional needs of these students and do not provide an accurate portrayal
of the performance of the school in which these students are enrolled.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
sion of the Fifty-eighth Idaho Legislature, the House of Representatives and
the Senate concurring therein, that we urge your support for and adoption of
amendments proposed to the No Child Left Behind Act which would:

(1) Allow states to exclude from AYP determinations the performance of
any limited English proficient student who has not been enrolled in the state
for three (3) full school years and whose parents and educators agree that
such an exclusion is educationally appropriate for the student; and

(2) Allow states to exclude from the required annual academic assessment
of student performance in mathematics, reading or language arts and science
any limited English proficient student who has not been enrolled in the state

1 for three (3) full school years and whose parents and educators agree that
2 such an exclusion is educationally appropriate for the student.

3 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
4 tives be, and she is hereby authorized and directed to forward a copy of this
5 Memorial to the President of the Senate and the Speaker of the House of Repre-
6 sentatives of Congress, and the congressional delegation representing the
7 State of Idaho in the Congress of the United States.

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 66

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE IDAHO STATE BOARD OF EDUCATION TO PROPOSE CHANGES TO THE IDAHO NO CHILD LEFT BEHIND COMPLIANCE AGREEMENT PLAN THAT WOULD PLACE A TEMPORARY SUSPENSION ON THE IMPOSITION OF SANCTIONS FOR NON-TITLE I SCHOOLS UNTIL TWELVE MONTHS AFTER STATE FUNDING IS MADE AVAILABLE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the 2001 Reauthorization of the Elementary and Secondary Education Act of 1965, commonly referred to as the No Child Left Behind Act (NCLB), raises the accountability of the state and local education agencies to increase the academic achievement of students at all levels of public education; and

WHEREAS, NCLB requires that all students achieve at proficiency or above in reading, mathematics and science within twelve (12) years of enactment; and

WHEREAS, schools and district and charter local education agencies and the state are challenged to implement programs and procedures that will help students who are not reaching proficiency improve academic achievement to the proficient level or above within this time frame; and

WHEREAS, under NCLB, federal funding is provided under Title I to schools with student populations composed of more than forty percent of students who participate in the free and reduced lunch program; and

WHEREAS, the Idaho State Board of Education places specific sanctions on the schools and district and charter local education agencies that do not meet Adequate Yearly Progress; and

WHEREAS, under NCLB, the Title I schools receive an allocation of federal funds each year for supplemental services to remediate and provide the instruction and programs needed in the schools and classrooms to facilitate students who are not meeting the proficiency standards on the Idaho Standards Achievement Test (ISAT). Federal funding for supplemental services in Title I schools includes certified remedial teachers and paraprofessionals who help children meet the proficiency standards in reading, math and, beginning in 2007, science; and

WHEREAS, under the NCLB Compliance Agreement Plan submitted by the Idaho State Board of Education to the United States Department of Education, the sanctions of NCLB apply to both Title I and non-Title I schools in the state of Idaho; and

WHEREAS, under NCLB, no federal funding is provided for remediation at non-Title I schools; and

WHEREAS, non-Title I schools educate thousands of children who qualify for the free and reduced lunch program, with many of these schools comprised of twenty percent or more of the student population participating in the free and reduced lunch program; and

WHEREAS, parents and teachers in non-Title I schools are making heroic efforts to raise funds for reading and math programs and to provide parent

1 volunteers and additional teaching time to raise these students to proficient
2 levels in reading and math; however, parent volunteers and teachers in non-
3 Title I schools cannot provide adequate resources in comparison to Title I
4 schools; and

5 WHEREAS, the state of Idaho provides no additional remediation funding to
6 non-Title I schools to address the Adequate Yearly Progress deficiencies.

7 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
8 sion of the Fifty-eighth Idaho Legislature, the House of Representatives and
9 the Senate concurring therein, that the Idaho State Board of Education is
10 urged to propose changes to the NCLB Compliance Agreement Plan implementing
11 NCLB in the state of Idaho that would place a temporary suspension on the
12 imposition of sanctions on the non-Title I schools until twelve months after
13 state funding is made available.

Federal law prohibits discrimination on the basis of race, color, national origin, gender, religion, age, or disability in any educational programs or activities receiving federal financial assistance. (Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.)

It is the policy of the Idaho State Department of Education not to discriminate in any educational programs or activities or in employment practices.

Inquiries regarding compliance with this nondiscriminatory policy may be directed to State Superintendent of Public Instruction, P.O. Box 83720, Boise, Idaho 83720-0027, (208) 332-6800, or to the Director, Office of Civil Rights, Seattle Office, U.S. Department of Education, 915 Second Avenue Room 3310, Seattle WA 98174-1099; Telephone: (206) 220-7900; FAX: (206) 220-7887, TDD: (206) 220-7907, Email: OCR_Seattle@ed.gov